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The Material Culture and Social Institutions of the Simpler Peoples

The Material Culture and Social Institutions of the Simpler Peoples

AN ESSAY IN CORRELATION

BY

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AND

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LONDON

ROUTLEDGE AND KEGAN PAUL

NEW YORK: THE HUMANITIES PRESS

First published
by Chapman & Hall Ltd
1915
Reprinted 1965
by Routledge & Kegan Paul Ltd
Broadway House, 68-74 Carter Lane
London E.C.4
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Printed in Great Britain by
Lowe & Brydone (Printers) Ltd
London N.W.10

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INTRODUCTION
TO THE 1965 REPRINT

by

Morris Ginsberg

This book was first published in 1915. It was widely welcomed not only by sociologists and anthropologists but also by writers on jurisprudence. It has also been widely criticised. In introducing this reprint, I should like to comment briefly on some of the criticisms.

There have been two main lines of attack. The first was directed against the " evolutionism " of the book. The second concentrated on difficulties in the statistical method employed. In condemning the evolutionary approach the critics' fire was misdirected. The book was in no way committed to a view of social evolution which implied that institutions everywhere passed through the same sequence of stages, or even that particular forms of institutions were invariably correlated with given stages of culture. This was made perfectly clear in the Introduction (p. 4) and the conclusions reached in the inquiry itself lend no support to any theory of automatic progress or of evolution along a single line. Why anyone ever thought that a theory of social evolution must necessarily assume that all peoples developed in a uniform manner it is now difficult to say. The biological analogy, it may be remarked, ought to have suggested not linear descent, but enormously complicated divergent growth, radiating in different directions.

To understand the aims of the book it is necessary to view them in relation to Hobhouse's other studies. In these he offered a fresh interpretation of social development which involved a rejection of biological analogies as well as of the Idealist doctrines of history as the self-realization of an absolute mind or spirit. An examination of the main domains of human achievement showed that there was a broad correlation between advances in knowledge and the control of natural forces, on the one hand, and changes in the ordering of social relations, on the other. But the interconnections were highly variable, complex and by no means always in the same direction. Knowledge does not necessarily lead to wisdom or justice, and social changes are affected by non-moral factors and often govern rather than obey the moral conscience. It was therefore necessary to examine the correlation more closely and to define its conditions. The task was enormous, but despite the complexity of the facts, Hobhouse thought the effort to find a method for estimating the degree of correlation worth making. He divided the inquiry into two parts, one

concerned with the " civilized " peoples, that is, broadly, peoples who have a recorded history, and another with the " simpler ", that is, the preliterate, peoples.

The division into two parts necessitated differences in procedure. The civilised peoples are few in number and, though it is possible to single out certain centres of civilization, there is no agreement as to how they are to be classified or as to how far they are independent. If local civilized communities were to be described by sociographers in the same detail as the anthropologists describe tribal groups, the number of distinguishable units would be very large, but the statistical difficulties involved in using these units in the study of development would be insurmountable. In any case, Hobhouse makes no attempt to use quantitative methods in estimating trends of development among advanced peoples. His method is to select one element in the history of civilization in which advance is undisputed and fairly continuous in direction. This is the stock of available knowledge to which all peoples have contributed in varying degree. The next step is then to determine in what ways the growth of knowledge has affected other domains of culture and whether on the whole there has been any growth in the intelligent direction of social life. To aid comparison, Hobhouse distinguished phases (a) in the systematization of knowledge; (b) in the utilization and control of the forces of nature; (c) in the growth of religion and morality; and (d) more briefly in the sphere of art. He then inquired how these developments are related to the development of societies as estimated by their size and efficiency and by the scope they offer their members for thought, character and initiative (freedom) and for cooperation in the service of common ends (mutuality).[1] In carrying out his survey Hobhouse made impressive use of the data provided by students of comparative religion and morals and of the history of science and philosophy.

In dealing with the preliterate societies the historical approach has only a limited scope. Anthropologists provide at best only fragments of history and, for the most part, they confine themselves to a description of the lives of the peoples they deal with as they see them at a given moment of time. To trace developments we had therefore to rely on indirect methods. Briefly, the procedure adopted was this. We assumed that we could obtain an index of the intellectual level of preliterate societies by examining their " material culture ", that is, the kind of equipment they have for obtaining food combined with their skill in other arts of life such as building, clothing, the use of metals, the extent and degree of specialized trade, etc. We thus obtained seven grades in an advancing order of development, Lower and Higher Hunters, two Pastoral grades and three of Agriculturists. We then inquired whether there is any degree of correlation between advances in knowledge as estimated by

1. For an examination of these criteria see my Introduction to the 7th edition of *Morals in Evolution*, 1951.

the stages of economic or material culture and various forms of social institutions, including government and the administration of justice, marriage and the family, social classes, war and property. It should be noted that in adopting this procedure we were in no way committed to a theory of economic determinism. We started with the economic structure because it afforded the best indication of the level of intellectual development and our aim was then to inquire how the mental is related to the social structure.

I can now deal with the criticisms that have been made of our use of statistical methods. Since these resemble the method used by Tylor, it may be useful to refer briefly to the account he gave of it in a paper he contributed to the Royal Anthropological Institute, published in its proceedings in 1889.[1] He called it the method of " adhesions ". Briefly, this consisted in examining the frequency with which cultural traits or elements appeared in association. If the degree of concurrence or " adhesion " was greater than could be expected from chance combinations, it was reasonable to infer an intrinsic or causal relationship. We may take as an example his treatment of the relation between rules of exogamy and the classificatory mode of naming. He argued that the large number of cases in which these were found to adhere justified the inference that they were causally connected and this confirmed him in the view that he had formed earlier that their joint function was to further political union by forming a criss-cross of matrimonial ties. The method was used by Tylor not only in examining associations between co-existent traits, but also in tracing sequences. In this connection he made use of a geological analogy. Just as the geologist infers the history of the earth's crust from the actual arrangement and composition of existing strata, so the anthropologist can to some extent reconstruct the order in which cultural elements may have developed by examining the ways in which they are associated in existing societies. Thus, having distinguished three stages in the modes of reckoning descent which he names the maternal, the maternal-paternal and the paternal, he examines the distribution of a number of associated customs in these grades. He notes that the levirate is found in all the three grades and that in the maternal-paternal it comes into competition with another principle, unknown in the maternal, in which the father's widows pass to his sons. Next, in a small number of cases the principles of the levirate and of filial succession are combined, the head wife of a chief passing to his brother, while her son, the new chief, inherits the step-mothers. The distribution of these customs strongly suggests that the maternal form was earlier than the paternal, vestiges of the earlier customs remaining as survivals in the later.

Tylor's influence is seen in Steinmetz's studies on the evolution of

1. On a Method of Investigating the Development of Institutions: Applied to Laws of Marriage and Descent. *Journal of the Royal Anthropological Institute*, 1889.

punishment.[1] Later Steinmetz contributed an article to the *Année Sociologique* (1898-1899) in which he put forward a proposal for preparing "un catalogue raisonné des peuples et de leurs phases historiques".[2] Steinmetz's lead was followed by his pupils, notably by Dr. H. J. Nieboer in his book on *Slavery as an Industrial System* (1900). In our investigations we adopted Nieboer's classification of economic grades, but as our object was to use them as an index of intellectual level we departed from his model by including among our criteria skills and attainments other than those shown in the methods of obtaining food (cf. Introduction, pp. 21-22). Finally, in tracing lines of development we do not rely, as Tylor did, on "survivals". As had been explained, our method is first to establish an order of development in a sphere in which advance is unmistakable, namely, the stock of knowledge as reflected in material culture, and then to inquire in what ways this advance is related to changes in social institutions.

The criticisms which have been directed against our methods will now be seen in a clearer light. They turn mainly on the imprecision of the units we used in our classifications and the difficulties of making due allowance for the influence of culture contacts. The criticisms take different forms[3] but in essentials they are very similar to those that were put forward on the occasion of Tylor's paper. Galton, who presided at the meeting, drew attention to the difficulty arising from the diffusion of customs. If the customs compared were not independent but derived from a common source, they might well be counted several times and thus be given undue weight. Another speaker, Professor Flower, pointed out that the value of the method depended entirely on the units of comparison being of equivalent value and that it was difficult to see how the errors that might arise when this was not the case could be corrected.

Tylor's reply to these objections is illuminating. To Flower's objection his answer was that if the classification was world-wide the differences in the size of units would cancel out, since there was no reason for assuming that in dealing with opposed traits, the larger aggregates would be found more frequently on one side rather than the other. We made a similar

1. *Ethnologische Studien zur ersten Entwicklung der Strafe*, Leiden, 1894. According to Marett (*Tylor*, p. 191) Tylor examined him for this his Doctor's thesis.

2. In view of the way in which such things are done nowadays, it is interesting to note that according to Dr. A. J. Köbben ("New Ways of Presenting an Old Idea: the Statistical Method in Social Anthropology", *Journal of the Royal Anthropological Institute*, 1952, p. 130), Steinmetz set himself the task of compiling the necessary information unaided. Tylor collected data relating to about four hundred peoples. In the *Simpler Peoples* we dealt with over six hundred. The bulk of the work was done by Hobhouse and myself and we had no clerical assistance.

3. For an instructive review reference may be made to the paper by A. J. Köbben cited above.

point, but were well aware that in many cases our numbers were not large enough to justify us in trusting to the impartiality of chance (see p. 10). Hence when we found a group of special magnitude and importance we considered the case carefully and discounted the result accordingly. On the point raised by Galton that instances of a custom should not be counted separately if they are drawn from an area with a common culture, Tylor commented that it was often possible to find sufficient variety within such areas to justify their being broken up into distinguishable units.

There is no doubt that the problem presents great difficulties and we came up against it again and again. Our way of dealing with them may be illustrated from our account of the distribution of the forms of the family. We found that the extent of the practice of polygyny, as distinct from the permission of it by custom, increases almost continuously throughout the development from hunting to agriculture and that there are scattered cases of monogamy in all grades except the Higher Pastoral, the level remaining nearly the same except for a fall among the Higher Hunters and a rise among the Lowest Agriculturists. Now, our conclusion rests in part on the fact that we counted 31 cases of polygyny among the Australian Tribes. But it might be argued that this gives undue weight to polygyny among the Lower Hunters, since the Australians represent one type of culture and ought to count as 1 in our tables. The difficulty was enhanced when we considered the distribution of monogyny among the Lower Hunters in Africa and Asia. Thus we reckoned the monogynous Semang as one people. But in fact they live in scattered bands and had been lumped together under one name only because they were not sufficiently well known for anyone to divide them into distinct groups. Another difficult case is that of the Punans of Borneo. Among them there was no polygyny known within the tribe, though some allowed polyandry. Now, they were said to number about 100,000, and if the groups of which they were composed had been separately named, they would have been a heavy addition to the cases of monogyny among the Lower Hunters. We considered the problems thus arising carefully. In the end we did not abandon the divisions suggested by our authorities but examined the distribution and the relevant conditions closely and considered the effect of treating the Australians as a single cultural group and equating it with a corresponding cultural group in Asia and Africa. We finally summed up as follows. The evidence does not make for the association of monogamy with the lowest culture. We find cases of it in every grade except the Pastoral. There is, however, a stronger tendency to monogamy, or at any rate to monogyny, among certain of the Lower Hunters, namely the jungle or forest tribes of Asia and Africa.

There remain difficulties of another kind on which our critics do not dwell much, but which troubled us greatly throughout the inquiry. These arise from the vagueness of the data at our disposal, the absence of any agreed ways of testing the reliability of our sources and the lack of fixity

in nomenclature. In view of all these uncertainties we knew that great caution had to be exercised in interpreting the figures: " All results must be rough, all are open to special sources of error and any inference based on a comparison of instances alone is dangerous." (p. 7). I think it may be fairly maintained that in the actual handling of the material these warnings were not forgotten and that the methods used proved highly useful negatively in checking generalizations and positively in suggesting correlations of interest. The best examples are, I think, to be found in the sections dealing with the growth of public justice and with the forms of property which, as far as I know, have not been seriously shaken by later investigations. It will be noted that in our conclusions we distinguish between cases in which correlated growth is fairly clearly indicated, and those marked rather by stability or by variations which follow no regular trend.

The principal results of the inquiry were incorporated by Hobhouse in the later editions of *Morals in Evolution* and in other works, and in his own view and that of others helped him greatly in revising and strengthening his theory of the nature and conditions of social development.

In recent years there has been a revival of interest in comparative studies.[1] As far as anthropology is concerned, however, this has not involved any marked return to problems of social development. On the other hand, economists and economic historians have been giving increasing attention to research in this field. They have been influenced mainly by the urgency of the problems raised by the emergence of new states in " underdeveloped " areas and by the rapid technological and industrial changes in the economically highly advanced countries. Initially research dealt mainly with economic aspects of development. But it soon became obvious that account had to be taken of social factors, such as family patterns, level of education, class differentiation, tendencies towards urbanization and the like. In this way the theory of economic development has been slowly broadened to include reference to cultural and political factors, and so has generated interest in the possibilities of more general theories of social development.

Most recent studies of economic development lay special emphasis on industrialization, and there is a tendency to consider industrialization as the central conception needed for the wider theory of social development. From the point of view adopted in the *Simpler Peoples* and more clearly in Hobhouse's other works, industrialization is one phase in the process of development whereby man has learnt to use his knowledge to gain increasing control over the forces of nature. Modern technology is of course immensely powerful and perhaps " revolutionary " in its impact on social life. But there have been advances in previous ages which, viewed in retrospect, were in their way equally " revolutionary ". Compare the transition made in the neolithic age from food gathering to food

1. Cf. J. W. Moore (ed.), *Readings in Cross-Cultural Methodology*, 1961.

production, the discoveries which made possible aggregations in large towns, and the impact of modern science on the innovations in industrial practice and in agriculture in the early stages of the industrial revolution in the modern period. In our own day we may be witnessing a further radical change likely to follow from recent developments in nuclear physics and the rise of the incipient sciences of social and industrial administration.

To arrive at a general theory of social development it is important to determine in what ways advances in knowledge and its applications are related to changes in other domains of human achievement and in what conditions a rational control of future developments may be attainable. These are the problems which Hobhouse set out to examine, but he was only able to deal with them in broad outline. More exact inquiry is now needed. Thus in the sphere of science it should be possible to study the mutual relations between advances in knowledge and technology and their applications in the industrial arts, and among other matters, to compare the long range effects of fundamental research as compared with research concentrating on more immediate practical interests. In the sphere of law, religion and morals there is scope for fruitful comparative study of the way changes in different legal systems are related to changes in religious and moral outlook. Of special interest is the problem of the effects of secularization in legal systems in which law, morals and religion tend to be fused. Finally, there is the problem of the criteria of over-all social development as distinguished from the criteria of economic development. What do we mean by " underdeveloped " and " developed " societies or by " lower " and " higher " stages of civilization? Can such questions be profitably discussed without raising fundamental ethical questions and, if ethical valuations are involved, are there any basic differences in moral outlook precluding the application of any common standards? These are questions which are now beginning to be explored, though many think the difficulties insurmountable.[1]

In this book, now fifty years old, the issues thus arising were not examined. Our aim was not to elaborate a general theory of social development or to inquire into the reality or possibility of progress. We confined ourselves to the preliterate societies and, within these limits, to the problem of the relations between economic development and changes in social institutions. The results, as I have said, were used by Hobhouse in his wider studies, and for that reason they played an important part in the history of the social sciences. But quite independently of its role in the development of Hobhouse's work, *The Simpler Peoples* has a special place in the evolution of modern sociology. Many comparative studies have been made since 1915, but nobody in Britain has again ventured to produce a large-scale statistical study of this kind—despite the enormous

1. Cf. the symposium on *Social Development*, ed. by Raymond Aron and Bert F. Hoselitz, published for UNESCO, 1965.

increase in ethnographic material, statistical sophistication, and technical aids. Perhaps our boldness of half a century ago in compiling *The Simpler Peoples* will not be imitated, but the book that was modestly published in paper covers (and at 2s. 6d.!) in 1915 has firmly established itself in the minds of sociologists and anthropologists.

THE MATERIAL CULTURE AND SOCIAL INSTITUTIONS OF THE SIMPLER PEOPLES: AN ESSAY IN CORRELATION.

INTRODUCTION—THE PROBLEM.

Theories of social evolution are readily formed with the aid of some preconceived ideas and a few judiciously selected corroborative facts. The data offered to the theorist by the voluminous results of anthropological inquiry on the one hand, and by the immense record of the history of civilisation on the other, are so vast and so various that it must be an unskilled selector who is unable, by giving prominence to the instances which agree and by ignoring those which conflict with his views, to make out a plausible case in support of some general notion of human progress. On the other hand, if theories are easily made, they are also easily confuted by a less friendly use of the same data. That same variety of which we speak is so great that there is hardly any sociological generalisation which does not stumble upon some awkward fact if one takes the trouble to find it. Anyone with a sense for facts soon recognises that the course of social evolution is not unitary but that different races and different communities of the same race have, in fact, whether they started from the same point or no, diverged early, rapidly, and in many different directions at once. If theorising is easy when facts are treated arbitrarily, a theory which would really grow out of the facts themselves and express their true significance presents the greatest possible difficulties to the inquirer. The data themselves are vast but chaotic, and at every point incomplete. They fall into two main divisions. On the one hand, there is the historical record of the civilisations; upon the other there is the immense field of contemporary anthropology. In both alike the data are equally difficult to ascertain with precision, and when ascertained to reduce to any intelligible order. In the history of civilisation we have full studies of many institutions, and we can learn something, not only of what they were at any one moment, but of their development in time, their genesis, their rise, their maturity, their decay. But even here the information often breaks off short at the most interesting point. Beginnings are frequently matter of conjecture. The nature of institutions, as they appear on paper, may be known to us, while we are left to reconstruct their actual working from casual examples, hints, and references that leave much to the

imagination. We find them decaying without intelligible cause, and often enough we are faced with the fact that more thoroughgoing inquiry has completely revolutionised our view of an institution which had been taken as thoroughly explored and fully interpreted by earlier schools of historians. So is it also with the anthropological record. Here indeed we have a handful of monographs made by trained and skilled observers in modern times, which leave nothing to be desired excepting that the work had been carried out three or four generations ago before contact with the white man or with other more civilised races had begun to corrupt the purity of aboriginal institutions. Outside these monographs we have a vast mass of travellers' reports, good, bad, and indifferent, data which it is impossible to ignore and yet which can seldom be taken at their face value. Moreover all anthropological data of this kind, however simple the life of the people with which they deal, are modern; with the exception of the few available references that we have to the peoples that surrounded the Greeks and Romans in Herodotus, Tacitus, and other writers of antiquity, the great bulk of anthropological inquiry dates from the last three or four centuries, and it is sometimes forgotten that the peoples of whom they treat must have lived as long, must in a sense have had as extensive a tradition behind them, and to that extent are as far removed from the true primitive as civilised man himself.

Therefore when we are inquiring into development and origins we have to be careful how we take the findings of inquirers among the people of our own day, however simple, as evidence of what must have been in the beginnings of human kind. What ethnographical research yields us is not a history but a number of pictures of given peoples each taken as it were by an instantaneous photograph at a given time. It is a piece of good fortune if in any case we get successive pictures of the same people so full and true that by comparing them we can arrive directly at the actual course of the development of its institutions in a given period. Before the period of civilised influence sets in we have at best only fragments of such history, and in the main our data are descriptive rather than historical. No comparison or classification of these data can tell us offhand how institutions grew, any more than the classification of existing rocks tells the geologist how strata were formed. Yet it is in the main from the actual composition and arrangement of existing strata, assisted by what he knows of permanent physical laws and of recorded or clearly proved physical changes, that the geologist infers the history of the earth's crust, and it is on analogous methods that any scientific theory of social evolution must rely. Such a theory must rest at the outset upon the discovery of some order in the ethnological data. To this end two preliminary steps seem to be necessary. The first consists in taking the main

institutions, customs, practices, and beliefs that constitute the structure of social life at any given time, and distinguishing the varieties of form which each institution actually presents in the various peoples among whom we find it. Many institutions can thus be treated from more than one point of view. Taking marriage, for example, we can obviously distinguish monogamy, various forms of polygamy and of polyandry, intermixtures or combinations of these forms, and, some may add, in addition to all some form of group marriage. Again we can treat any of these forms of marriage from the point of view of its rigidity or otherwise. We can inquire how far it is binding, distinguish cases in which it is entered into or dissolved so easily and so entirely at the will of either party that it is doubtful whether the term marriage is strictly applicable; and from this onwards we can trace every sort of gradation in the rigidity of the institution up to indissoluble monogamous marriage. Or again we can exhibit methods by which a partner is obtained, whether it be by free courtship, by child-betrothal, by the exchange of women or of gifts, or by presents to the parents or relations, by sheer purchase, by capture, and so forth. And so carrying this method through the whole field of inquiry relating to marriage, we can set up a system of forms all of which shall be illustrated somewhere in the light of human society; and in general, we can so arrange them as to show transitions from any one form to another of such a kind that we can very easily conceive an institution beginning at one end and passing through these transitional forms until it reaches the most extreme point in the opposite direction. What may be called a social morphology of this kind, that is to say, the ascertaining and classification of the actual forms of any institution known to exist may be regarded as the first step towards the introduction of order into the field of comparative sociology.[1]

But beyond this lies a second and far more difficult step. We have spoken of the form of an institution passing by gradations from one stage to another, very remote from it perhaps. It is one thing to exhibit and even to illustrate possible gradations of such a kind, and another thing to show that actual institutions do pass along such a scale of development. In some cases no doubt we can historically trace a line of change, but it would be exceedingly difficult to maintain that the line of change had always been the

1. The chief danger in forming any social classification is that of over-rigidity in definition. Customs and institutions vary continuously, and the lines of demarcation which any classification must draw are apt to be artificial and unreal. Moreover what is on the surface the same institution may have a different content at different stages of social development. A certain elasticity of interpretation must therefore be allowed in order to adapt any scheme of classification to the facts without forming them into unreal categories.

same in all cases, and quite impossible, we think, at the present stage of our knowledge to lay down that any given institution must take its rise in one form and must pass through a series of graded changes in a uniform direction. If indeed we could make any assumption of this kind, the process of sociological inquiry would be enormously simplified. We should have as it were a scale of development, the direction of which would be definitely known. We should be able to assign to any form of institution credibly reported in any given society, its particular place in that scale. We should know that it had never been further on in the scale, nor yet that it had reached its particular place by any roundabout road. We should be able to infer that it had passed through the earlier phases and no other, and we could in fact treat all differences to be found in social institutions as due to a single comprehensive cause —the difference in the rate of development. In point of fact inquiry lends no countenance to any such simplicity of view. A single instance from the institution that has already been mentioned may suffice to explain this point. We commonly think of strict monogamy as the product of a high civilisation, though not necessarily the highest civilisation, and it is true that we find polygamy associated upon the whole with the lower civilisations and with the peoples whom we do not regard as civilised at all. But apart from the fact that, for fairly obvious reasons, the majority of men in all races live with one wife at a time, we find quite a number of instances in which a rigid monogamy is the established rule among some of quite the rudest races of mankind. By whatever road the Veddas, or the Semang, or the Karok, or the Dyaks have arrived at monogamy, we may be pretty sure that it was by a road quite different from that which established this system in mediæval Europe. Nor can we even infer from the fact that nations of European culture agree with the Veddas, the Semang, and the Karok, any far-reaching identity in ethical views as to the relations of the sexes, or in fact in any other social and moral customs or ideas which in many races stand closely associated with the monogamic rule. We have to recognise from the outset that two societies, as widely divergent as possible in almost every respect, may exhibit close agreement on some one or more points, and we have to learn accordingly that to infer from any single institution a general state of development is to fly in the face of the anthropological facts.

If then we cannot assume any single line of development, what use are we to make of our morphology? Let us consider where we stand. We suppose ourselves to have ascertained the forms which any given institution assumes. We have now recognised that in different societies an institution may arrive at the same form by completely different paths, and that agreement in respect of any

one institution is no evidence for agreement in other respects. We cannot lay down any absolute order of development, nor can we maintain as a strict generalisation that any given form of any given institution is to be found only in some determinate stage of the development of society. Sociology in fact is not a science of rigid generalisations. Where rigid generalisation fails science resorts to statistical methods, and the question arises whether this is possible in sociology. On the practical difficulties of applying statistics to the study of social institutions, we shall speak in the next section. But if we suppose for a moment that these are not insuperable, let us see what might be gained. We might begin with any two institutional forms, A and B and find on inquiry that in 90 per cent. of the cases where we have A we also find B, and that in 80 per cent. of the cases where we have B we also find A. If that is so we can infer some connection, though probably an indirect one, between A and B, and perhaps research may show that the residual instances where we have B but not A are associated with the presence or absence of a third institution C. This would throw considerable light on the connection of these forms, and by multiplying such conditions we might obtain considerable insight into the inter-connexion of certain groups of institutions. This was in fact the method applied by Dr. Tylor to the study of certain marriage customs some twenty years ago, and it is to be regretted that little has been done in the interval to extend the method to other problems.

What we propose to ask is whether it is possible to apply this line of inquiry to elucidating the changes of institution which accompany the growth of civilisation, the most important feature of social evolution. The first difficulty that occurs here is the vagueness as to the term civilisation, which, as generally used, implies elements of material, religious, artistic, and intellectual culture. If all these elements are insisted on and civilisations are judged in accordance with the level attained, not in one respect but in all, we shall of course find, if we find anything, that the most civilised race is that which has developed furthest in all these directions. We shall, in fact, achieve a purely identical proposition. The real question is how far these different developments imply one another. To attack this problem with any hope of a fruitful issue it is necessary to find some one characteristic which would be generally regarded as essential to civilisation, as possessing real significance in the life of a people, and as advancing in some determinate direction, which can be recognised and measured with some facility, and of which tangible evidence can be obtained. It will then be possible to follow other lines of development and observe the correlation of various forms of institution with successive stages in this advance. It may always be objected that we have not chosen the

most essential point as the basis of our inquiry, but of that the results of the inquiry themselves will afford some test. At any rate, on these lines, if the work can be carried through, we may expect to learn something of the correlation of different elements in social growth.

The development which seems best to serve this purpose is that of material culture, the control of man over nature as reflected in the arts of life. It may be objected that this implies too materialistic a view of human society, and is too superficial a criterion of general progress. It may be replied to the latter point, in the first place that we do not use it as a criterion of general progress, but propose to inquire how far progress or (if the word be disliked) change in any definite direction is in fact associated with advance in the control over the forces of nature. On the former point it may be remarked that material culture is a fair index of the general level of knowledge and, if we may use a more general term, of mentality. The desire for comfort in his material surroundings is, with few exceptions, common to man. How much energy he will put into the business of securing it, how much organising capacity he can apply, what ideas, what knowledge, and what imagination he can bring to bear on it, what fears or scruples deter him from using all his available powers are questions which have different answers for different people, and on the answer depends in general the level of his material culture. Hence this culture does, roughly, though no more than roughly, reflect the general level of intellectual attainment. Moreover, in this case it is fairly easy to agree on the meaning of what in other instances is a very disputable term—the meaning of progress. The control of man over nature is a definite conception, and it is generally easy to recognise any advance on this particular line, while it is also the fact that it is on this particular line that the people that we call civilised show the most palpable advance over those to whom we deny the term. In the history of mankind as a whole the advance in this direction, though neither universal nor continuous, is probably more widespread and more continuous than in any other, and in modern civilisation it becomes more continuous and far more rapid. Finally the question whether there is any correlation between advance on this line and any particular movement on other sides of human life is perhaps the most important question for the general theory of social evolution. Does the advance of human knowledge which in relation to the understanding and control of natural forces seems unlimited, carry with it any distinct movement in morals, law, religion, the general organisation of society? Does it make for progress in these directions, or the reverse, or is it indifferent to them?

We do not here attempt to deal with these problems in general.

To grapple with them at all would involve to begin with a definition of progress which lies outside our immediate sphere. We offer only a preliminary contribution. We do not, in fact, deal with "civilised" peoples at all, but confine ourselves to the classification of those less fortunate races which range from the lowest known *Naturmenschen* to the confines of the historic civilisation. We seek within these limits first to distinguish the advancing grades of material culture, and, secondly—without any systematic inquiry as to what constitutes "progress" or the reverse—to determine how far various forms of political and social institutions can be correlated with each grade.

The Possibility of Sociological Correlation.

We have next to inquire how far it is actually possible to establish any correlations between social and political institutions on the one hand and stages of economic culture on the other, and to what extent ordinary statistical methods can be made available to forward this result. It must be replied at once that in view of the peculiar nature of the subject, and in particular of the data on which we have to rely, statistical methods can only be employed with certain reserves. All results must be rough. All are open to certain special causes of error, and any inference based on a comparison of numbers alone is dangerous. On the other hand, numerical results in combination with close analysis of accompanying conditions, are of high utility, both in checking generalisations and in measuring the value of data. This will be better understood if we study the actual difficulties which confront the inquirer who endeavours to apply the test of numbers to sociological facts.

(1) *The Character of the Data.*

If we confined ourselves to monographs compiled by skilled observers, there would be comparatively little difficulty with the data themselves, but unfortunately, as already remarked, such monographs are few and they would not in the aggregate prove sufficient to warrant any statistical calculations. Moreover, so to limit our vision would be to leave out of sight a vast amount of material which contains valuable evidence, even if the ore is sometimes difficult to sift from the dross. We are therefore forced to take account of the ordinary materials of anthropology—reports of travellers, missionaries, explorers, and casual observers, and it need hardly be said that in all such reports the problem of inferring from the statements of the observer the precise nature of the facts which he means to report, is not one which admits of an easy and straightforward solution. In particular when one endeavours to classify forms of institutions under heads, which is the necessary presupposition of any attempt at correlation, we must bear in mind

that no observer has the scheme of classification in his mind, and there is considerable opportunity for error in reducing the contents of his report to the heads of any classification, however wide we may cast our net. Over and above these well-known difficulties in anthropology, there are all the sources of error, obscurity and confusion which arise from the intermixture of cultures, the rise or decay of institutions under the influence of foreigners, and in particular of the white immigrants themselves, to whom the reporter may belong, and there is always the probability that the peoples whom the reporter comes in contact with are precisely those specimens of the tribe who lie nearest to the white man or to other civilised people, and are most influenced thereby. All this, however, is common matter to anthropologists and not much of it presents any difficulty to our inquiry as compared with others.

(2) *The Unit.*

It is otherwise when we pass to the question of the unit which we must take as the basis of our calculations. Every rigid statistical inquiry supposes that the phenomena with which it deals can be stated in terms of some unit which is constant throughout its field. What is the unit social group? Let us consider a people occupying a certain area, the natives of Australia, let us say, or the Algonquin Indians. There are certain features common to the culture of these peoples, but within them there are a great many tribes and even groups of tribes. Not all that is true of one tribe will be true of others even within the same group, and certainly not all things true of a group would be true of all the Algonquins or all the Australians. And lastly, within what is called the tribe itself, there are often clans, local groups, and even sub-tribes, and even these are not always alike in all their institutions.

Now the reports of ethnographers sometimes deal with tribes, sometimes with divisions or branches of a tribe, and sometimes with groups of two or three, a dozen, or even a score of tribes taken together. We might be inclined to take the tribe as the unit. But the term tribe is used with the utmost variety of meaning by our reporters. Some apply the name to the smallest group of people living together, others to the loose unity which extends over a great area and covers all groups using a common dialect and recognising a certain affinity which distinguishes them from the rest of the world. In this wider sense tribes differ greatly in extent—one may contain a dozen or a score of subordinate groups; another may contain one or two only. And moreover, the limitations of the tribe sometimes seem to be assigned rather by the purview of the traveller or by the chance extent to which a dialect has spread than by clearly marked divisions separating it off socially or politically from its neighbours. Indeed a population which is treated as a

"tribe" by one writer might be regarded as a collection of many tribes by another. Thus the statements which form our data refer to populations of different magnitude, and there is no discoverable means of reducing these to units of equal magnitude. But in fact no such reduction is necessary for our purpose. What we are examining is the correlation of social institutions with grades of economic culture. For this purpose we wish to know the number of separate social groups at any given grade possessing a given institution, and for this purpose the population or the number of subordinate bodies contained by any given social group is of secondary importance. The real question is, what constitutes a separate social group? In the higher grades of social development political independence supplies a fairly definite criterion. Yet even here it must be remembered that independence may be partial, as well as absolute, and that it might be legitimate and even necessary to count a population as forming one society for certain purposes and two or more for certain other purposes. Be this as it may, on the lower levels political unity is a much vaguer conception, and when the observer finds fundamental similarity of type and custom, uninterrupted intercourse and, in particular, free intermarriage extending over a certain area he will generally treat that area as one, whether the population corresponds to what he calls one tribe or not. In this he will not be far wrong, for the customs and institutions of such a collection of people in all probability have a common origin. They arise and flourish and decay in the main from the same causes and in close interconnection. In general we have no alternative but to follow the reporter, and take each institution that he reports as one case of the existence of that institution. Of course in so doing we are trusting to the judgment of our witness. It may be that he ought to have drawn distinctions and demarcations, and these may in fact appear when we compare his account with that of another observer, while sometimes it becomes apparent through internal evidence. In such a case we should in fact divide the group in our tables and count each of its parts as one. But in so far as groupings and divisions have been made by original observers with judgment and knowledge, it is reasonable to treat as a single instance a homogeneous population living in a continuous area enjoying regular intercourse throughout and not divided by clear lines of racial, social, or political difference.[1] The mere difference in size of these units need not greatly disturb our calculations.

On the other hand, we must recognise that the judgment of observers is not equally to be depended on in all cases, and that

1. In a few cases our units are in strictness too large for this definition Our reasons for attempting to divide them are indicated below.

sometimes mere chance or the bare impossibility of obtaining detailed information as to separate communities has led our reporters to treat as one peoples who might very possibly be distributed into many distinct sections as the result of further enquiry. We note in their place certain possibilities of error in calculation that arise from this source, and throughout, as will be explained presently, we so limit our inferences as to guard against this danger in cases where its presence may have passed unnoticed.

At the same time it may be pointed out that on this side the very defects in our reports tend to cancel one another. Close inspection shows that statements made about a group of tribes are in reality based often enough on the one or two members of the group with whom the reporter has had close personal contact. Hence different reports about the same group often prove to be inconsistent and the explanation of the inconsistency not infrequently is that both are true, one of some members of the group and the other of others. Sometimes we are able to fix the exceptions, sometimes we can only table the statements as true, one of "some" members of the group and the other of "some other" members. But the repeated experience of discrepancies of this kind reduces the value of large generalisations and tends to equate the statistical value of the units with regard to which we may conceive ourselves to possess trustworthy information.

Further, it must be remembered that when we are comparing peoples at much the same level of general culture, whatever irregularity there is in our units will be pretty evenly distributed. Suppose we are dealing with two opposite customs, both found pretty frequently among hunting tribes. Let us say that we have 100 cases of the one and 50 of the other. The 100 will no doubt contain large groups and small, but so also will the 50. If we know of one group of special magnitude and importance, we note the fact and give it due weight in our summing up. But in general there is no reason to think that there will be any aggregation of the larger instances on one side rather than on the other. There is nothing to weight the scale, and if our numbers were sufficiently great, we might find in this consideration alone a solution of the problem so far as it depends on the inadequacy of our reports.

But in many cases our numbers are not great enough to justify us in trusting to the impartiality of chance. The probable error would be high, and we should often be unable to draw any inference at all. We therefore base no inference on small differences. The fact that a given custom is to be found, say in 55 per cent. of the instances obtained at a given level of culture, and an opposite custom in 45 per cent. must be taken as in itself insignificant. It can only mean that, roughly, there is no clear tendency to the one or the other at that stage. Such a proportion as that of 55 : 45

can be of value only if it is a link in a chain, *e.g.*, if, at a lower level the figures were 70 : 30, and at a higher one 30 : 70. It is otherwise when we have a 2 : 1 preponderance. This is not likely to be a mere chance. But even here it is well not to be content with the gross numerical result, but also to examine the constitution of our majority and minority. Such a check is desirable, not only in view of doubts as to the equal value of our units, but to obviate a second difficulty, which has now to be examined.

This difficulty is in a manner the exact converse of the last. It may be asked whether in any cultural area—in any territory, that is, where the conditions of life are very similar, and where, though it is too large for direct intercourse between its parts, there is opportunity for institutions to propagate themselves in the course of generations by social contact—we ought to reckon distinct cases at all. Institutions and customs tend to propagate themselves indefinitely, and if we find, say, a certain form of marriage all over a sub-continent, it may be that it has had a single origin, and ought on our principles to be accounted one case rather than many. Thus we find a certain amount of polygamy—very variable it is true—common apparently, with one doubtful exception, to all Australian tribes. Shall we count this as upwards of thirty instances, or is it in reality only one instance? The reply is that whatever the degree of cultural unity among the Australian aborigines, it did not prevent their marriage customs from differing in many essential respects from one another. If that is so it seems fair to take as a unit each area which observers have, in fact, recognised as homogeneous and interconnected, and if in the matter of descent, or of capture, we get a great variation of custom as between one area and another, while in regard to the permission of polygamy we get uniformity, to let this result have its due weight by entering each instance of polygamy separately in our tables. The result at least shows that a certain degree of polygamy is suited to the conditions of Australian culture generally, while other incidents of marriage vary greatly within the limits of their culture. If an institution has, in fact, propagated and maintained itself over a great area, even though its origin be in some unitary cause, we cannot regard its extensive prevalence as unimportant or insignificant. The fact that it prevails so widely is evidence of its suitability to the conditions of life among the peoples in question, and this correlation is as suitably expressed as any other in the number of separate instances which will be counted.

If such an institution is found in all or most of the various regions of the world occupied by people of a certain industrial grade, we may fairly sum up the instances and treat the result as a measure of the correlation between that institution and the level of economic culture in question. But if all, or the great

majority of instances in which it appears, are drawn from one region, it is different. To show how dangerous a simple enumeration might be in such a case we may pursue this particular instance taken a little further. When we compare the Australians with others of the same economic grade we find, for example, that the Wild Semang are monogamous. Now the Wild Semang are only entered in our table as one group. But they are very numerous and scattered, and they count as one only, because they are not sufficiently known for any one to make divisions among them. In order to compare the prevalence of monogamy and polygamy among the Lower Hunters, we cannot crudely set down the Australians as thirty cases on the one side and the Semang as one on the other. In such a case we must consider our figures from more than one point of view. We must cross-classify, and group them not only by the economic but by the geographical order. If all, or the majority of cases of any given institution come from one part of the world, we must note this fact and take it into account before drawing any inferences as to the correlation of that institution with any particular grade of culture as such. This necessity has been kept in mind, and while our geographical grouping has necessarily been rough in this experimental inquiry, we have throughout kept the different continents separate in our tables, and within these certain regions of culture contact are sufficiently apparent. Racial unity is a more problematical matter, which no doubt would explain many identities and differences if we could know all the facts, but to rely on this explanation would constantly have taken us into controversial questions, and we have been compelled for the time being to leave it aside. Meanwhile our plan is, whenever we find an accumulation of instances in a particular area to note the fact as a deduction from any generalisation that might be founded on those instances, and, if necessary, to seek some alternative method of presenting the results. For example, in the particular case referred to above, we present the totals as to polygamy and monogamy arrived at, first by taking the Australians as so many separate instances, and then by treating them as a single cultural group equated with a corresponding cultural type in Asia and Africa. This method—the details of which must vary in accordance with the nature of the concrete case—yields upper and lower limits of error, which often express the nearest approximation that we can make to the truth.

We have then two difficulties to keep in mind. The first is the imperfect precision of our units; the second is the deduction from the value of separate units to be made on account of the influence of culture contacts. Fortunately these two difficulties tend to cancel one another, for the influence of culture-contact diminishes the value of the large area relatively to the smaller. But we cannot

disregard them, and to guard against them we must refrain from basing any inference on small preponderances, while if we have large differences, we must first examine the constitution of our majority and minority. When these in combination have been observed we shall in fact find that various positive results emerge.

Our general method then will be as follows. We take as a unit each group which we find so treated in our authorities. Where the treatment is not clear or where different authorities dealing with the same area make different divisions, we are forced to deal with each case on its merits, deciding by the concrete evidence whether to enter one instance or more in our tables. What is "one instance" for one purpose is, of course, one instance for all,[1] and minor variations are met by the entry of "some" or "occasional" if one particular point is true only of certain members of a group.[2] But we do not break up a group which our authority reckons as one unless his own evidence compels us to do so by showing that it presents clear variations of type in the relation in which it is being examined.

There remains a technical difficulty which is much greater than would be supposed by anyone who has not actually tried to grapple with it—that of identifying and defining the reference of a reporter's statement. There is first the difficulty of knowing whether a statement is general or particular. When a writer tells us something of "the Australian native," are we to attach any importance to it, and if so, how are we to table the result? In this particular case the importance is probably very small. The writer most likely knows one or perhaps two tribes fairly well, and he generalises from them. If we can identify his tribes, we refer his statement to them and neglect the generalisation. When we have

1. In a very few instances difficulties in identifying the references of different authorities have led us to enter different group names in different tables.

2. In comparison such instances are reckoned as $\frac{1}{2}$. The same value is given to cases which are entered with a query as probable though not quite certain. It might seem safer to omit such instances altogether, but it must be remembered that in our investigation we are generally comparing this frequency of institution A with that of institution B. If we were considering A alone we might well confine ourselves to the certain cases, but when we are comparing it with B to ignore several probable instances of A may be to exaggerate the preponderance of B. The least error therefore is to reckon the probable case on a reduced value. This has the further justification that the incomplete or imperfect statement will very often reflect a partial development or a decadent condition of the institution, so that the half value may be claimed as nearest to an accurate representation of the facts. It must be borne in mind throughout that a ? in these tables does not mean uncertainty, but either probable evidence for the existence of the institution or positive evidence of its partial existence.

an observer like Grey, who travelled in South, West and North-west Australia, and makes all his statements in general terms, but seems to know quite clearly what he is talking about, we cannot ignore his statement, nor can we pin it down to a single tribe. In this case we have compared several authorities, and we formed for ourselves rough groups of West Australians, those about Perth, those inland on the Swan River, and those of King George's Sound, for each of which we have independent testimony. When we have an account which seems sound but lacking in definiteness of reference, we adopt the device of tabling as true of "some Victorian tribes," "some New South Wales tribes," etc. Sometimes we have general statements about a group which seem worthy of record, but are not borne out by individual cases within the group for which we have independent information. At first sight this may seem simply to discredit the more general statement, but it is also possible, and in some instances it appears to be the fact, that the detailed description lays stress on the exceptions to a rule, and if it is so, the existence of the rule ought not to escape recognition. In such instances we have preserved the general statement again by attributing it to "some" of the group in question.

One of the most serious difficulties in this connection arises from the want of fixity in nomenclature. Some writers refer to savage peoples geographically, others by a name given them by the whites, others by their own name for themselves. A single tribe may figure under half a dozen names which we identify with some difficulty, and sometimes after identifying them discover that there is a local difference. Thus while some writers seem to treat the Loucheux and the Kutchin as the same people under two names, we find a couple of articles in a single report which deal with them separately, and conclude that the Loucheux are a branch of the Kutchin, whose precise limits in the end we have not satisfactorily made out. In Australia the Narrinyeri spread from the mouth of the Murray over Encounter Bay. Yet in the same volume we have two writers treating of the Narrinyeri and of the Encounter Bay tribes as though they were distinct.[1] A margin of error in our identifications undoubtedly remains, and we should welcome detailed corrections on such points.

There must also be some overlapping. For example, the Kamilaroi occur in a group of New South Wales tribes which we enter. But they also occur independently because we have some information about them which does not wholly consort with the

1. In this case detailed comparison shows that the "Encounter Bay" tribes of the one writer correspond to four local groups of the other writer's "Narrinyeri."

statement which we have as to the group. This fact, however, does not prove that the latter statements are untrue. They probably hold of some members of the group, and therefore are correctly recorded of "some" New South Wales tribes. In general the critic must bear in mind that it is more important for our purpose to note that some tribe of a given culture possesses a certain custom than to determine whether it is the Kamilaroi or another, and the statements when put together may give an approximately accurate account of a level of culture as a whole, although wrong in some of the details of reference. The greatest care has been taken under that head, but only criticism and revision can carry the matter further.

Such being our data our method of treatment must be such as to allow for the elements of uncertainty and irregularity which they present. As already mentioned we shall, to begin with, draw no inference from small variations. But if as we ascend the economic scale we find a continuous and marked increase in the numerical preponderance of a certain institution, if, for example, we find such an institution only in one case out of four at the lowest levels and in four cases out of five at the highest, we shall infer a true correlation between it and the level of economic culture. We should still bear in mind the constituent elements of which our groups are composed, and if all or the great majority of the cases on one side should be drawn from a single group, we should call attention to the fact and discount the result accordingly. In several cases we shall in fact see that when due weight has been given to all grounds of doubt, the broad fact of correlation may be fairly taken as established. On the other hand, there are cases in which the proportions remain remarkably constant at all grades, and we may as fairly maintain that the frequency of a given institution is constant at all levels of industrial culture within our limits. Lastly, there are cases in which the variations are irregular, and no inference can be drawn.

CHAPTER I.

STAGES OF ECONOMIC CULTURE.

We pass now to the classification of peoples by their economic or industrial culture upon which the rest of our enquiry is founded. Our starting-point here is the work of Dr. Nieboer, to whom we must express our acknowledgments. But our object differs from his in that we are seeking to distinguish grades in economic culture, and for that reason we have had to depart in some essentials from his method.

Dr. Nieboer founds his classification primarily on the method of obtaining food, and in this we follow him for three reasons: (1) For peoples of simple culture the method of obtaining food is closely correlated with the whole method of life. For example, hunting and pastoral peoples seldom have fixed dwellings for any length of time, whereas if agriculture has reached a high development, nomadic habits must be restricted and finally abandoned. (2) Between the man who trusts to the gifts of nature, and the man who sets nature to work for him to supply his food, there is a far-reaching change in point of that which interests us most, the degree of intellectual advance and the consequent extent of control over natural forces. (3) Practically the method of obtaining food is capable of easy observation and is generally reported with fair definiteness by travellers, though some of the finer gradations are, as we shall see, less easy to distinguish.

As we advance along the economic scale the methods of obtaining food become less useful as a differentiating mark in proportion as other industries grow in importance. We carry our classification to the point at which men obtain food by a combination of the pastoral and agricultural arts, keeping cattle, ploughing the land, using irrigation, and practising a rude rotation of crops. Now all people, even the most civilised, gain their food ultimately by these means, and further differentiation along these lines would consist only in the development of more scientific breeding and more intensive agriculture, and so it must be, at any rate until synthetic chemistry makes some very new departure. We do not therefore suggest that the food supply could be fruitfully used for purposes of differentiation beyond the level to which we have carried it, the threshold of what is ordinarily called civilisation.

But even on the lower levels, though the food supply is our

starting-point, it is not the sole basis of our classification. The implements used in obtaining food, whether in hunting, fishing, or farming, may also be brought into the account. The nature of dwellings, the presence of other arts—sewing, plaiting, spinning, weaving, and pottery—the use of metal, the employment of canoes, boats, or ships, must also be considered if we are to estimate the position of a people in regard to its general powers of dealing with nature. The question then arises what relative weight we are to attach to each of these considerations. The method which we have followed is to take the food supply first and to grade peoples within the great classes so formed in accordance with their proficiency in other respects, setting down certain characteristics as the mark of a class and assigning to that class any individual which appeared to possess more than half of these characteristics.

That being understood, we take the people who live by gathering wild fruits and roots and hunting wild animals (including reptiles and vermin) as our lowest class. To this it may be objected that some of them, particularly those who are rather fishers than hunters, live upon the whole upon a higher level than many of the lower agriculturists. This is perfectly true, and it would be desirable to form a higher section of fishers and hunters who should be treated by themselves. This division, however, we have failed for lack of sufficiently comprehensive information to carry out completely, and the division which we have actually made within the class rests on different lines, as will presently be explained. But we must first remark that though it will be true that some hunting peoples are more advanced than some agriculturists, it is safe to deny this of hunting peoples generally. As a whole they are at a lower stage, and propositions true of them generally may be safely affirmed as holding of peoples at the lowest stage of culture.

We have, however, drawn two distinctions among them. In the first place, we class as Lower Hunters peoples who (1) live very largely by gathering fruits and nuts, digging roots, collecting shellfish, and devouring reptiles, insects and vermin; (2) have no permanent dwelling, but erect windbreaks, live in caves, or put up very slight and temporary huts of boughs or palm leaves; (3) have no spinning and weaving except in the form of plaiting, no pottery, no metal, and very poor canoes; (4) no domestic animals except the dog and possibly a few pets. People who have a good half of these characteristics are entered in this class, which includes, in Asia, some of the Malayan jungle tribes such as the wild Kubu; Semang and Sakai, the Veddas[1] and the Andamanese; in Africa, the Bushmen, Akka, Batua and other forest peoples; in South America, the

1. Most of the Veddas now known however practise a rude agriculture and are classed accordingly.

Botocudos and Fuegians; and in North America the aborigines of Lower California. With some hesitation we have included the whole of the Australians in this class, and have added three Central Californian tribes[1] and the Shoshones, though some of the latter were undoubtedly above it. The border line here is very difficult to draw, as there are, for example, other North American tribes such as the Tskekehne, who might well be candidates for the place, and we must not emphasise any results dependent on the distinction between these and the Higher Hunters without applying our cross classification and looking at the details. The chief value of the distinction is to enable us to see whether an institution attributed to the Hunters generally is pretty fairly distributed over its different grades or otherwise. In one or two instances we shall in fact find that a custom which is overwhelmingly preponderant among hunters taken as a whole is less so among the lower than the higher, and that caution and discussion are therefore necessary before we can say whether this custom is to be regarded as fairly characteristic of the lowest economic culture of mankind.

The Higher Hunters are formed by the possession of those arts in which the Lower fail. They live more by the chase than by the collection of food, have houses of a substantial character, or well built even if temporary tents of hide and skin. In some instances they spin, weave, and make pottery, are good canoe builders, and have the horse or other domestic animals. The highest branch of them, such as the inhabitants of British Columbia, were fishers, built large timber houses to accommodate joint families, with curiously carved posts, and had considerable wealth in blankets and in horses. These should, as we have said, form a class apart, but though we could find a number of individuals who would undoubtedly be referable to this class, we could not satisfy ourselves upon a general basis of demarcation, and have for the present made no division. We shall, however, point out cases in which the appearance of a custom among hunting peoples is mainly referable to individuals standing at this level. This, for example, is the case with slavery, which, as Dr. Nieboer has already shown, scarcely exists among hunting peoples outside those inhabitants of the

1. The Central Californians seem to us to have been on the border line of the lowest culture. Their arts were unusually primitive (Kroeber) and they were omnivorous, living mainly on acorns, roots and seeds. (Bancroft, p. 373.) On the other hand, they had more or less permanent winter dwellings, partly dug out in the ground, and built up with poles and branches covered with earth. Powers distinguishes 4 tribes as lower than the others. One of these—the Nishinan—he so stigmatises on account of their social institutions. These we leave with the rest of the number among the main mass of "hunters," but the other three we have taken as falling below the line.

Pacific Coast of North America, who would all be referable to the higher class if it had been formed. For the present we content ourselves with the distinction between Lower and Higher Hunters, though aware that the latter should be broken up into Higher and Intermediate.

The majority of the peoples whom we have classed as Higher Hunters are found in North America. Many of them are exceedingly primitive, and we have doubted whether they should not rather be ranked among the lower. Thus the Tskekehne lived in huts made of branches constructed and abandoned at a moment's notice. Both they and the Nahane knew the horse only by name. They had no pottery or spinning, but they had learnt, probably from the coast tribes, a rude form of weaving, and they seem, like others of the Western Déné, to have had canoes and sledges.[1] The Eskimo we keep on the higher level on account of their good dwellings and canoes. The Kutchin had movable skin dwellings, knew no pottery, but had the bow and arrow, and used the sledge and snow shoes (Smithsonian Report for 1866, p. 351). These and many other North American tribes are on the border line, and this fact must in a measure discount some of the differences which we shall find between Lower and Higher Hunters. In South America we have only reckoned the Botocudos and the Fuegians on the lowest level, and we have several Higher Hunters. But as to some of them our information is scanty and we have put them among the Higher only because we mean by this the normal hunting type and do not rank any people among the Lower without specific ground. Even so, the Zaparos at least must be regarded as a borderline case. They are quite nomadic, have dwellings open on all sides and apparently no furniture but a hammock (Simson, J.A.I., vii, p. 507). Some of the South American hunters have the horse, as the Tehuelches and the Puelches, and in some cases, as noted below, we have difficulty in marking them out from pastoral peoples as they have acquired cattle from the whites. We have a few Higher Hunters in Asia, and one, the Kauralaig of the Western Torres Straits, who live largely by fishing, in Oceania. The African hunting tribes which we have distinguished are all of the lower type, with the exception of the Wagenia, a fishing people.

There is, however, another group of Hunters and Gatherers which we have distinguished, not as standing higher than others, but as occupying a peculiar position. These are the hill and jungle tribes, principally in India and the Malay region, who do not practise any agriculture, and cannot be called pastoral, though in many cases they may keep a cow or a few goats or pigs. But they

1. Morice. *Proceedings of the Canadian Institute*, 1889, esp. pp. 117, 135. cf. the same author in *Transactions of the Can. Institute*, 1893.

live on the outskirts of villages, come into the markets, sell jungle products, possibly serve the villagers in various ways, and sometimes are hunters rather in the sense in which thieves, gypsies and brigands [1] may be so called than in any other. The culture of these peoples is strongly marked by the influence of their surroundings, and indeed in many cases it is difficult to make out how far they can fairly be regarded as independent tribes, and how far they are classes, trades, castes, within a larger people. Thus the Niadis protect crops and rouse game for hunters (Rowney, p. 114). The Bhuiyars' usual work is that of cutting wood and collecting silk cocoons, lac, dyes, and other jungle produce (W. Crooke, ii, p. 97) which presumably they bring into the market. The Beriyas are quasi-gypsies who, besides hunting on their own account, are mountebanks, conjurers, snake charmers and thieves, and it is difficult to say whether they should be described as a caste or a tribe (see Crooke, Vol. i, p. 242-3, and Risley, Vol. i, p. 83). The Kardars are employed by Government and by timber merchants and on shooting expeditions. They are also highway robbers (Fryer, J. R. A. S., 1868, p. 479). The Kurumbas collect jungle produce and work in the fields (Buchanan ; Thurston, iv, p. 163) Some of the Irulas work for other people—others collect and barter jungle products (Thurston, Vol. ii, p. 376-8). In many instances they are at least nominally subject to British rule or to the autocracy of a Hindoo rajah or Malay sultan, and they have been for many centuries in contact with a higher civilisation than their own. Probably, as far as Government and law are concerned, little weight should be attached to their customs as evidence for the condition of men at the lowest level of culture. Yet they often have a measure of self-government, and the manner of their internal administration has its distinctive characteristics. We group these people together[2] as Dependent Hunters, the name importing not so much that they are nominally or really subject to some civilised government as that their mode of life is intermixed with and partly dependent on that of higher peoples. This group then does not represent a distinct cultural level, but is, so to say, a by-path in the line of advance.

From the hunting peoples we proceed to the first stage of Agriculture. Here to begin with, we must apply the maxim *de minimis.* Some Australians had found out that if they put the heads of the yams which they collected back into the earth they would grow again. This is technically a beginning of agriculture,

1. Peoples described merely as brigands have been omitted from our tables.

2. We have enumerated about a dozen and might have extended the list, but considered that their cultural position was too ambiguous to be of any real service from our point of view.

but it would seem absurd to class these people as anything but hunters and collectors.[1] We must have evidence that some sort of clearing, digging and planting is the regular practice of some portion of the people for a part of the year before we class the tribe as agricultural. That being understood we constitute our first agricultural group, which we call that of incipient agriculture, or, after Nieboer, A^1, of those peoples " with whom agriculture holds a subordinate place, most of the subsistence being derived from other sources," and, following him, we contrast them with the second stage which we call agriculture without an epithet, or, to place it among the rest, A^2, in which the products of the soil are a main source of subsistence, though not of course to the exclusion of hunting and fishing. But beyond this, we depart in some degree from his method. To begin with he takes as two marks of the first stage the employment of women only in agriculture and the absence of fixed habitations. Both of them must be used with care. When we are told that both men and women work in the fields it is pretty strong evidence that agriculture is the main source of subsistence, for there is nobody regularly concerned with any other. But the converse does not always hold. Though women may do all the field work, we may be explicitly informed that the men are idle or that they do nothing but fight, or, finally, that they hunt for sport rather than for necessity. So again, when habitations are not fixed, it is pretty strong evidence that agriculture is rudimentary and that the people are following their main source of subsistence from place to place. Where they are fixed, as Nieboer himself remarks, it may be due to natural abundance in some spot rather than to continuity of cultivation. It must be added that there is an intermediate case in which a clearing is tilled for one year or possibly two or three and the camp moves on when the first fertility is exhausted. In some at least of these cases, though the cultivation is purely " extensive," it seems clear that it is the principal source of subsistence, and though the tribe is semi-nomadic it must be put above the level of incipient agriculture.

But we have also departed from our model in another way. An agricultural tribe may also derive part of its subsistence from trade, and it may be more or less advanced in other arts of life than those concerned with food. Dr. Nieboer duly notes this point, but deals

1. Similarly of the Goyanaz Martius (p. 299) says that their agriculture is " aüsserst gering " while Eschwege (*Brasîlien*, vol. i, p. 223) states that they live on wild fruits, hunting and fishing. The Goyatacaz, says Martius, p. 303, either have no agriculture or at most the cultivation of some roots, and Eschwege (*Brasilien*, vol. i, p. 220) says " nur wenige Früchte pflanzen sie, übrigens erhalten sie sich von der Jagd." We have classed these together with the Topanaz, whose bionomics are identified with those of the Goyatacaz, as higher hunters.

with it by distinguishing a people as a+c, *i.e.* agricultural and cattle-keepers, or a+t, *i.e.* agricultural and traders. We have sought to bring these points together in order to establish our successive stages in cultural advance and we have accordingly considered, besides the methods employed in agriculture itself and the degree of its importance in the life of the people, the extent of their advance in the other arts. Thus we inquire whether spinning and weaving are developed, whether substantial houses are erected, whether sheep, cattle or other domestic animals are kept, whether trade with other peoples is developed, and so forth. Taking these into account we have to make a third stage in which the people have developed trades and industries, including perhaps advanced methods of farming itself, which seem to raise them clearly above the level described simply as that of agriculture. Dr. Nieboer has such a class which he calls A^3, his A^2 corresponding to our agriculture pure, and his A^1 with our agriculture incipient. But his A^3 is formed simply by proficiency in agriculture itself, viz., by (1) manuring; (2) the rotation of crops; (3) the use of domestic animals in agriculture; (4) the export of agricultural produce. We should put in our third class, A^3, people who show any marked advance in industry or commerce, even though their agriculture itself remained at a lower level. And on the same principle we should regard such an advance as a reason for raising a people from A^1 to A^2, although their actual tillage might be very rudimentary. The arts that we use are those already mentioned, and the general description of our three classes runs as follows:—

(1) *Incipient Agriculture or* A^1. Subsistence still depends largely on hunting or gathering. Women do the field work. The digging stick is the chief implement used. Culture is nomadic. No animals except poultry, and perhaps a few pigs. No metal. Textile industries and pottery rudimentary, and houses very variable. No specialised trade, but some barter of natural products.

(2) *Agriculture-pure or* A^2. Main subsistence agriculture. Pottery, spinning and weaving but not as specialised industries. Substantial houses of timber. No large cattle or flocks, but pigs and small animals. Animals not used in agriculture. No trade except as above.

(3) *Highest Agriculture or* A^3. Flocks and herds and draught cattle. The plough. Irrigation, manuring and some rotation of crops. Specialised industries. Metal; woodwork; textile. Regular trade.

As before, the possession of a good half of these qualifications will fix the class. Thus a people may practise a meagre agriculture, living largely on fish or game, but the fish perhaps they export in return for corn, and they have good pottery, spinning and weaving. We should place them in our second

class. If, on the other hand, they had only one or two of these arts and little trade except in the barter, say, of some dye or some stone peculiar to their district, we should leave them in the lowest stage. As a rule we have not degraded any people living entirely by agriculture for lack of other arts, though perhaps on very close investigation such a step might be warranted. On the other hand, we have generally placed a tribe in the higher class where cattle are kept, in addition to substantial agriculture, and especially where the plough is used. The use of metal would also certainly justify inclusion in the highest class if it were independently developed. But here we touch on the whole question of the weight to be given to imported culture. Iron is used in almost every cultural division of Africa, but there are a good many tribes which we should class only as A^2. In these we have found no evidence that iron is smelted, or that any technical proficiency is shown in its use. And in the absence of any other development of industry we cannot regard the importation of this particular handicraft from other people as a mark of specific value. In instances like this we require at least two marks of the higher stage to justify promotion.

Naturally, in applying these considerations we come upon a large number of doubtful cases, and it must be admitted that the distinction between the first and second stages of agriculture on the one side, and the second and third stages on the other, is by no means so sharp as that between hunting and agriculture as such. A few illustrations will serve to show the general principles which have guided our classification in doubtful instances.

We will begin with some people of whose inclusion among agriculturists there may be some doubt. The Sioux and Dakota peoples are in the main gatherers of wild rice. We do not reckon this an agricultural employment, although there is undoubtedly some watching and tendance of the wild rice fields. On this ground the Assiniboins, who have no further agriculture, are classed among hunters. On the other hand, the Dakotas, who are said by Schoolcraft to cultivate from one-quarter up to two acres per family, are placed in agriculture,[1] while the Winnebagos, who are said by the same authority to live largely by agriculture and to have made considerable advances in civilisation, might be brought up to agriculture.[2] It is probable, however, that these advances are modern. In the seventeenth century the Jesuit relations deny agriculture to the Dakotas, and we may suppose the advances of the Winnebagos are recent.[1] They are therefore left in the tables at A^1.

1. Similarly the Omaha sub group are tabled as hunters, as we gather from a reference in *Hodge's Handbook* that their adoption of agriculture is subsequent to 1865.

Among the Algonquins, the Ojibways form a doubtful case. Sometimes their cultivation is spoken of as exceptional and slight. (Warren, p. 40.) Others deny them agriculture to any extent in the time before the missionaries. But in Hodge's handbook we find that some of them, at any rate, are mentioned as cultivating maize as early as the seventeenth century; and on the balance they come into our lowest agricultural group.

In South America a difficult case is that of the Guaycuru, who are pure hunters themselves, but hold the Guanas as tributaries and tillers of the soil. If the Guanas formed a definite servile caste, we should certainly have to regard the two peoples together as a single agricultural nation; but that does not seem to be the case. We gather that the regular employment of the Guaycuru is hunting, and they take certain agricultural tribute, of no very great importance from a less warlike people.[1]

Of the Paravilhana, whose institutions are interesting, we have unfortunately very vague information as to their bionomics, but we have placed them in the lowest agricultural class because they figure in the list given by Martius of peoples who all, he says, practise some kind of agriculture, while, from his special account of them, they appear to be nomadic (p. 630), and therefore stand presumably on a low level.

The Coropos, whose only agriculture consists in potato-planting, might almost be excluded, but that they keep poultry and some pigs (Von Martius, p. 337). They also make pottery, though they have no spinning, and must be regarded as standing on the lowest level of the agricultural stage.

Among Asiatic tribes nearly the same may be said of the Soligas, who, according to Rowney (p. 113-114), had no domestic animals, and lived largely on roots and yams, but among whom agriculture was not wholly unknown, being done chiefly by women. They also hewed timber for sale, and are, in fact, in much the same category as our dependent hunters though a little in advance. The Bygas, again, have no tillage except the dhya clearing on the hillside, and they also exchange wild products with peripatetic traders. (Forsyth "Highlands of Central India," pp. 360, 365.) In the Malay region the Kubus, the Sakai, the Semang, and the Jakun are all in their natural state, hunters, and some of them among the lowest grade. But in all cases a sprinkling of these peoples have come under the influence of Malays or other more advanced peoples, and have taken to a rude agriculture.

1. See Martius, i, 226, ff. and cf. Serra 2. ser. *Revista Trimensal.* Tom. 6, p. 348, etc. *Azara,* Tom. ii, pp. 96, 111 seems to distinguish the Mbayas from the Guaycuru and make them more definitely a people living in part by slave tillage.

At the same time, their institutions seem to have been considerably modified, and much care has to be taken with these peoples in determining the reference of any particular statement.

Between peoples at this stage of incipient agriculture, and some of those at its upper level, there is undoubtedly a very marked difference. Indeed some of the tribes which we have included in this class might with almost equal propriety have been placed in Agriculture[2]. Perhaps the most doubtful are the Iroquois, the Delaware and the Abnaqui, about whom we have hesitated long. Among these agriculture undoubtedly played an important part, and they accumulated considerable stores of food. But we were in the end determined by Loskiel's account (Geschichte der Mission, pp. 85-87), which shows that a considerable part of the vegetable food of the Iroquois and Delaware consisted of wild plants, while in the winter they were often driven to live on roots and bark. Hunting he declared to be their principal and most necessary employment.

The Ipurina, again, are a legitimate subject of doubt. As to their food supply, Ehrenreich (p. 60) merely tells us that they live principally by hunting and agriculture, while they have some fishing. Our general rule when hunting and agriculture are thus mentioned is to place a people in the lower division unless we have reason for the contrary. In the case of the Ipurina, their house-building is of a high type; but, on the other hand, the only animals they are said to possess are dogs and poultry, while their industry is said to have been unimportant. There is a little spinning and weaving, and the women make pottery.

The peoples of British Guiana, again, were finally placed in A^1 on account of the importance which Im Thurm attaches to hunting and fishing among them (pp. 227-8), but in view of the substantial houses erected by some of them and of the general development of trade (p. 269, etc.), we cannot regard them as far from the second class.

In North America we place the Illinois in the second class on the basis of the account of the Jesuit relations, Vol. 51, which states that even at that period they took two crops yearly from the soil (Jesuit Relations, Vol. 51, p. 51), although it was principally tilled by women, and hunting remained one of their occupations (p. 47).

Among the Indian frontier tribes our information is often very deficient. We have classed the Kukis under A^1 as nomadic cultivators on the jhum system. (Shakespeare, J.A.I. 31, p. 171). We must, however, admit that some peoples who cultivate on this system appear, in the light of other accounts, to deserve a place under A^2. Thus the Dhimals (Hodgson, p. 154) are nomadic cultivators, but they keep goats, pigs, and poultry

(Hodgson, p. 157), and in some cases at present use the plough (Risley, p. 228). We do not think they can be put below A^2. The Chakmas again, who live by the jhum cultivation (Risley, Vol. I., p. 514), would seem to depend upon agriculture and not on natural products, and if so, notwithstanding the rudeness of their system of cultivation, must come into our second class. The Juangs (Dalton, pp. 153, 154), on the other hand, who have no pottery, spinning or weaving, and who, while cultivating rudely by clearings, are still largely dependent on collecting roots, etc., form a fairly typical instance of the lowest agriculture.

The bulk of the Melanesian and Polynesian peoples have been referred to the second stage in consideration of the nature of their food supply, whereas obviously there is considerable distance between the Samoans, for example, and some of the Melanesians. But we have not found definite grounds for raising any of the peoples in this division, except the Noeforesen, to the third class, nor for depressing any of them to the first, with the exception of the Baining and the people of the Western Torres Straits—the Eastern islanders of this region clearly belong to the second division.

These instances may serve to show the difficulties of precise demarcation as between the first and second stages. As to the third stage of agriculture, we have generally taken the combination of cattle-keeping with field work as a sufficient ground of inclusion. A doubtful case is that of the Miris of the Hills (Dalton, p. 33-4), who are very backward in the arts, but have oxen as well as pigs and poultry in addition to agriculture. The Padam Abors, again, whose agricultural implements are swords and pointed sticks (Dalton, p. 26), would not on this account be placed high, but they also forge swords, make musical instruments, and build cane bridges over a river (p. 26), points which seem to place them definitely above most of those peoples whom we have had in our second division.

In the Malay region several peoples, for instance the Kayans, are placed in this division on account of their metallurgy and other arts; while in Africa we have a very large group under this head, partly owing to the combination of cattle-keeping with agriculture, and partly to the working of metal.

The pastoral stage we regard as an alternative development from the hunting stage, not necessarily anterior or posterior to agriculture. We have only succeeded in making two divisions of pastoralists, one in which there is little or no agriculture and but a slight development of other arts; the other where agriculture is developed or is practised by a serf or tributary people, metal is in use, and war, trade, or handicrafts are well developed. The former stage we take as roughly parallel to that of Incipient Agriculture;

the latter, which we write as Pastoral^2, is about on a level with Agriculture^3. In deciding whether a people shall rank with the Lower Pastoral, one of our chief difficulties has turned upon the question ot the influence of civilised men. Many North American, and some South American, hunting tribes have acquired the horse from the white man. This alone would not remove them from the hunting stage,[1] but in South America we find sheep and cattle similarly acquired. Thus the Abipones, though spoken of as pure hunters, we also learn incidentally spun and wove garments from their flocks (Dobrizhofer, p. 130). These herds, however, appear to have been taken from the Spaniards, and we take it that if the Abipones were in the pastoral state at the time, they were only just entering thereupon, and their manners and customs may be regarded as those of a hunting people. The Aucas seem to be in much the same condition (D'Orbigny II., p. 259), and the same may be said of the Puelches. In the end we have classed all these as hunters.

The Tobas, on the other hand, are said by D'Orbigny (L'homme Americain, p. 99) to have been "pasteurs depuis la conquête," and occasionally agricultural. Thouar (Exploration, p. 66) also attributes to them numerous flocks of sheep, cattle and horses. With them the pastoral state seems, therefore, to have established itself.

The Navahos, again, in North America, became first pastoral and then recently agricultural under white influence. We think it should be clear that flocks and herds must be not merely stolen or kept temporarily by people, but that the rearing of them should be a definite part of their occupation if they are to be classed as pastoral, and for this reason the Tobas and the Navahos are the only American peoples whom we have placed in this group.

With regard to the higher pastoral peoples, our main doubt is whether some who have been regarded as cattle-keeping agriculturists and therefore placed in A^3, might not with equal propriety have been regarded as pastoralists who have taken to agriculture as a secondary employment. It must frankly be admitted that our information has not always been sufficient to decide this point, but our aim has been to class under Pastoral^2 those whose mode of life, particularly the life of the richer or ruling classes, is determined by the movements of flocks and herds rather than by the sedentary requirements of agriculture.

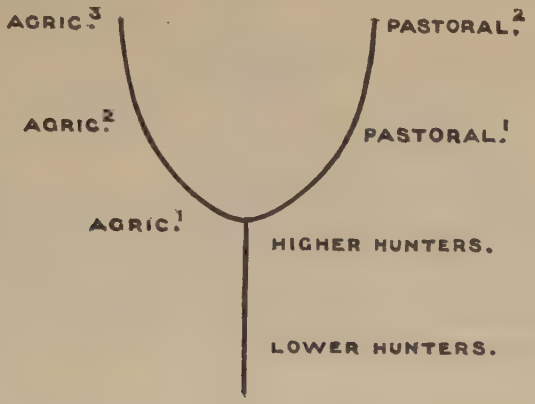
A word may be added here upon the general problem of the treatment of borrowed culture. It may be said that an art borrowed from without is something purely external, which will not affect the customs of the tribe. We ought, therefore, in spite of the existence

1. On the other hand the domestication of the reindeer is taken as a mark of the pastoral stage, *e.g.*, for the Ostyaks.

of this art, to regard the customs as having been formed in a stage in which it did not exist, and to belong to that stage accordingly. Now it is quite true that a borrowed art is not of the same value as evidence of the mentality of a people as the same art if known to have originated at home, but if we are to pursue this argument too far, in how many cases shall we really be able to say that an art is ultimately of domestic origin? Culture contact, direct or indirect, is in fact the normal not the exceptional process throughout human history. And, on the other side, how long does it remain true that the importation of a new art is without effect upon the social customs of a people? We have clear evidence here and there of acquisitions which have revolutionised the life of a people—for example, the Comanche are a branch of the Shoshones, who, when they acquired the horse from the white man, migrated to Texas and became a vigorous and flourishing people of a distinctly higher grade. A more striking instance is that of the Blackfeet. We have to class them as a hunting people for they practise neither pasture nor agriculture; but they obtained from the European not only the horse but the gun, and, according to Mr. Grinnell (p. 178), this materially affected their mode of life, and, in particular, enabled them to build up a great conquering federation, almost unique among hunters. We have mentioned the Kubus, Semang, and the Sakai, and other peoples who have become agriculturists under foreign influence. Apparently some, at least, of their institutions, their methods of government, and their marriage customs have been materially affected by the same causes. Upon the whole, therefore, we must take people as we find them, whatever the causes may be which have brought them to their present level. We have, however, in cases of transition tried to satisfy ourselves that the new stage is at least a generation old, and if we are clear on this point we classify the people at their present level, while if the change appears to be more recent we treat them as being at their old level. We also, as already illustrated by our remarks on the Puelches, etc., disregard mere rudiments of a higher culture when they are thus manifestly imported, whereas if their origin had been domestic, we should have felt compelled to take them into account.

We take some hunters to have advanced on their own lines as far as the lowest agriculturists and pastoral people. We take certain advances in pasture or agriculture as equivalent though also divergent, and we suppose peoples who remained fundamentally pastoral to have advanced in the highest stage to that threshold of civilisation which is represented by our Agriculture[3]. It would seem that beyond this the line of material advance lies with that more sedentary life which has agriculture as its basis, so that the pastoral development, except in subordination to agriculture, represents, like the highest hunting culture, a blind alley.

Our conception of the relation between the different economic grades of culture may be roughly symbolised by a diagram :—



This classification does not depend on any theory of the order in time in which the several economic stages have arisen. It merely arranges the stages actually found—an order corresponding to the degree of control over nature and mastery of material conditions manifested in each.

A list of the peoples referred to each grade is given in the Appendix following this Chapter.

APPENDIX.

CLASSIFIED LIST OF PEOPLES.

The full list of the peoples referred to each grade of culture is given in the left-hand column. In the right-hand column will be found the short titles of the principal authorities relied upon for each people. For the full titles of authorities, see Bibliography. Authorities used for groups of peoples collectively are not entered unless they make special reference to one or more of the names in this list.

ASIA.

LOWER HUNTERS.

Peoples.	Authorities.
Kubu	Forbes, Hagen.
(1) Semang	Skeat and Blagden, Martin, Annandale.
(1) Sakai	Skeat and Blagden, Martin, Annandale.
Negritos of Camarines	Blumentritt.
Negritos of Negros	Blumentritt.
Negritos of Angat	Meyer.
Negritos of Albay	Blumentritt.
Negritos of Dumagat	Blumentritt.
Negritos of Alabat	Meyer.
Andamans	Man.
Punan	Hose.
NORTH AMERICA.	
Lower Californians	Bancroft.
Guaycuru	Bancroft.
Cochimis	Bancroft.
Pericui	Bancroft.
Miwok	Powers.
Wintun	Powers.
Patwin	Powers.
Shoshones	Bancroft, Remy.
SOUTH AMERICA.	
Botocudos	Keane, Ehrenreich, Hartt, Tschudi, zu Wied.
Fuegians	Hyades and Deniker, Garson.
AFRICA.	
Batua	Hutereau, H. H. Johnston, Stuhlmann, David.
Bushmen	Stow, Fritsch, Passarge, Lichtenstein. Burchell, Moffat.
Mucassequeres	Serpa Pinto.

AUSTRALIA.

Peoples.	Authorities,
Swan River	Salvado.
N.W.C. Queensland	Roth.
Bungyarlee	Bonney.
Dieri	Gason in B. Smyth, Howitt.
Yerwaka & Yantrawanta	Howitt.
Goulburn	Le Souëf in B. Smyth.
Narrinjerri	Taplin in Woods.
Kaiabara	Howitt.
Turra	Kühn in Fison and Howitt.
Maryborough	Howitt.
N.S. Wales (Some)	Fraser.
Kamilaroi	Fraser, Howitt, Fison, Ridley.
Geawegal	Howitt, Rusden in Fison and Howitt.
Euahlayi	Parker.
Port Jackson	Collier.
N.S. Wales (Some)	Ridley.
Perth & W. Australians	Grey, Bates, Brown.
Powell's Creek	Fraser, J. R.
Port Lincoln	Wilhelmi in B. Smyth, Schürman in Woods.
Port Darwin	Cranford, Foelsche.
Tongaranka	Howitt.
Turbal	Howitt.
W. Victoria	Dawson.
Kurnai	Howitt, Bulmer in B. Smyth.
Waimbaio	Howitt, Bulmer in Fison and Howitt.
Wiradjuri	Howitt.
Wotjobaluk	Howitt.
Mukjarawint	Howitt.
Yara Yara	Howitt.
Wurunjerri	Howitt.
Wudthaurung	Howitt.
Bangerang	Curr.
Yuin	Howitt.
Riverina	Beveridge.
King George's Sound	Jones.
Gringai	Howitt.
Chepara	Howitt.
Central Australians	Spencer and Gillen.
Northern Australians	Spencer and Gillen.
Ngumba	R. H. Mathews.
Kabi & Waaka	Curr, J. Mathews.
Herbert River	Lumholtz.
Tasmanians	Ling Roth.
Queensland	Lang.
Buntamura	Howitt.
Watchandee	Oldfield.
Ngurla	Curr.
Newcastle	Curr.

AUSTRALIA.

Peoples.	Authorities.
Wayook	Curr.
Ballardong	Curr.
Koynup & Etecup	Curr.
Yerkla Mining	Howitt, Curr.
Warburton River	Paul in Curr.
Milya Uppa	Reed in Curr.
Belyando River	Curr.
N. Queensland	Roth.
Jupagalk	Howitt.
Narrangi	Howitt.
E. Victoria	R. H. Mathews.
Darling River	Bonney.
Gournditchmara	Dawson, Stähle in Fison and Howitt. Howitt.
Encounter Bay	Meyer in Woods.
Mycoolon	Palmer.
Tatuthi	Howitt.
Theddora	Howitt.
Wolgal	Howitt.
Wallaroi	Howitt.
Wakelbura	Howitt.
S. Queensland	Howitt.
Wide Bay	Howitt.
Bunalong	Howitt.

NORTH AMERICA. HIGHER HUNTERS.

Coast Salish	Niblack, Hill-Tout, Boaz.
Kwakiutl	Niblack, Boaz.
Nootka	Niblack, Boaz, Bancroft.
Tsimshian	Boaz, Niblack.
Thlinkeet	Bancroft, Swanton, Boaz, Niblack.
Haida	Niblack, Harrison, Bancroft, Boaz.
Unalaska Aleuts	Wemiaminov in Petroff, Bancroft.
Athka Aleuts	Yakof in Petroff.
Loucheux	Hill-Tout, Hardisty.
Kutchin	Hill-Tout, Bancroft, Strachan Jones.
Chepewayans	Hill-Tout, Bancroft, Ross.
Tsekhene	Hill-Tout, Morice, Bancroft.
E. Nahane	Hill-Tout, Morice.
W. Nahane	Hill-Tout, Morice.
Chilcotin	Hill-Tout, Morice, Boaz.
Carriers	Hill-Tout, Morice.
Similkameen	Allison.
Luisenos	
Lkungen	Hill-Tout, Boaz.
Lilooct	Hill-Tout, Teit.
Halokmelen	Hill-Tout.
Blackfeet	Grinnell, Macklean, J., Wilson.
Etechemins	"Jesuit Relations" (esp. vols. 2 & 3).
Micmacs or (Souriquois)	"Jesuit Relations," vol. i.

NORTH AMERICA.

Peoples.	Authorities.
Montagnais	"Jesuit Relations," vols. i and iv, 6.
Ottawa	"Jesuit Relations," vol. 51.
Eskimo (Greenland)	Nansen.
Eskimo (Western)	Bancroft.
Eskimo (Pt. Barrow)	Murdoch.
Eskimo (Behring Straits)	Nelson.
Eskimo (Central)	Boaz.
Eskimo (Labrador)	Turner.
Kenai	Bancroft.
E. Shushwap	Boaz, Teit.
W. Shushwap	Boaz, Teit.
Nez Percés	Maclean, J.
Kariaks	Bancroft.
Malemutes	Bancroft.
Other Koniagas	Bancroft.
Sarcees	Maclean, J., Wilson.
Tsitsaut	Boaz.
Kowitchen	Boaz.
Bellacoola	Boaz.
Niska	Boaz.
Heiltsuk	Boaz.
Kootenay	Chamberlain, Boaz.
Klamaths of Oregon	Gatschet.
Kiowa	Mooney.
Seri	McGee.
Kiskakong	"Jesuit Relations," 52.
Crees	"Jesuit Relations," 66 and 68, Hodge, Schoolcraft.
Apache	Loew, Schoolcraft, vol. 5, Bancroft.
Comanche	De Cassac, Tenkate, Bancroft, Schoolcraft, 2.
N. Mexicans	Bancroft.
Thompson River	Teit and Boaz.
Assiniboins	Dorsey, Macklain.
Omaha	Dorsey, Fletcher.
Karok	Powers, Kroeber.
Yurok	Kroeber.
Tolowa	Powers.
Hupa	Powers, Goddard.
Petawet	Powers.
Pomo	Powers.
Gallino Mero	Powers.
Gualala	Powers.
Wappo	Powers.
Shastika	Powers, Kroeber.
Pit River	Powers.
Nishinan	Powers.
Yokuts	Powers.
S. Californians	Bancroft, Kroeber.
Kelta	Powers.

Peoples.	Authorities.
NORTH AMERICA.	
Yuki	Powers.
Makh-el-Chel	Powers.
Lassiks	Powers.
Modoks	Powers.
Kombo	Powers.
SOUTH AMERICA.	
Auca	Azara, D'Orbigny.
Puelches	D'Orbigny.
Abipones	Dobrizhofer.
Coroados	Hensel, Featherman.
Puri	zu Wied, von Martius.
Zaparo	Simson, Markham.
Guaycuru	von Martius, Azara, Serra, Church.
Charrua	D'Orbigny, Heusser, Azara, Featherman.
Goyatacaz	von Martius, Eschwege.
Mura	von Martius, Wallace.
Macovi & Vilela	De Brettes, Gonzalaz, Hutchinson.
Tehuelches	Musters, D'Orbigny.
Minuares	Azara.
Payuga	Azara.
N. Chaco	De Brettes.
Topanaz	Eschwege.
Paumaris	von Martius, Wallace.
Goyanaz	von Martius, Eschwege.
Akkek	De Brettes.
Pitagoa	Eschwege.
ASIA.	
Ghiliaks	Deniker.
Tuski	Nordenskjöld.
Nicobarese	Svoboda.
Manobos Rio Bay	Blumentritt.
Italmen	Steller.
Gold	Laufer.
Perak Sakai	Skeat and Blagden.
Keddah Semang	Skeat and Blagden.
OCEANIA.	
Kauralaig	Haddon.
AFRICA.	
Wagenia	Coquilhat.
ASIA. DEPENDENT HUNTERS.	
Yanadi	Thurston, Shortt.
Beriya	Crooke.
(3) Bhuiyar	Crooke.
Korwa	Crooke.
Niadi	Rowney.
Kardar	Fryer.
Bataks of Palawan	Venturillo, Miller.
Katodi	Wilson.
Chenchu	Newbold.

Peoples.	Authorities.
ASIA.	
(Atkwar & Nundail)	
Bonthuks	
Korumba	Thurston.
Irulas	Shortt, Thurston.
Villee	Shortt.
ASIA.	AGRICULTURE I.
(16) Ainu	St. John, Batchelor, von Brandt, Holland.
Bheels	Hunter, Crooke.
Lushai	Lewin, Shakespear.
Other Kuki	Dalton, Lewin, Shakespear.
Soligas	Rowney.
Jakun	Favre.
Negritos of Zambales	Reed, Blumentritt, Meyer.
Manobos of Agusan	Blumentritt.
Zambales or Tinos	Blumentritt ("Versuch einer Ethnog.")
Paniyans	Thurston ("Anthropology").
Arunese	Rosenberg.
Orang Bukit	Knocker, Grabowsky.
Mantra	Borie.
Marea	Dalton.
Juang	Dalton.
Kubu	Forbes, Hagen.
Candios	Moura.
Perak Sakai	Skeat and Blagden.
Central Sakai	Wilkinson.
Kuala Kurnam Sakai	Knocker.
Birhor	Dalton.
Veddah	Seligmann.
Abkhases	Chantre.
Bygas	Forsyth.
Santals	Risley, Hunter.
Keddah Semang	Skeat and Blagden.
NORTH AMERICA.	
Mohave	Kroeber.
Delaware	Loskiel, Heckewälder, Brinton.
Iroquois	Loskiel, "Jesuit Relations," Morgan, Heckewälder.
Ojibways	Warren, Jones.
Algonquins of Quebec	"Jesuit Relations," vols. 2, 3, 5, 6.
Hurons	"Jesuit Relations," vols. 10 and 28.
Abnaqui	"Jesuit Relations," vols. 25 and 67, Maurault.
Dakota	Schoolcraft, Riggs, Dorsey.
Hidatsa	Dorsey.
Iowa	Dorsey.
Mandan	Dorsey, Lewis and Clarcke.
Isthmians	Bancroft, Featherman.
Guaymi	Pinart.
Winnebagos	Schoolcraft, vol. 4.

SOUTH AMERICA.

Peoples.	Authorities.
Guana	von Martius, Azara, Serra.
Lengua	Grubb, Hawtrey.
Yuracares	Halten, von, D'Orbigny.
Paravilhana	von Martius, Sampaio.
Mauhes	von Martius.
Marana	von Martius.
Ucayali	von Martius.
Mbevaera	Dobrizhofer.
(4) Karayaki	Ehrenreich.
Ipurina	Ehrenreich.
Mataguayos	D'Orbigny.
Roucoyennes	Coudreau.
Charantes	von Martius.
Coropo	von Martius.
Manao	von Martius.
Matacco	D'Orbigny, Pelleschi, Thouar, Gonzalaz.
Shingu	Steinen.
British Guiana	Im Thurm.
Macusi	von Martius.
Ité	D'Orbigny.
Arecuna	von Martius.
Canea & Antioquia	White.
Miranha	von Martius.
Arawak	von Martius, Im Thurm.
(5) Paumaris	

OCEANIA.

W. Torres Straits	Haddon.
Baining	Parkinson.

ASIA. PASTORAL I.

Aeneze	Burckhardt.
Kurds of Eriwan	von Stenin.
Yourouks	Bent.
Toda	Metz, Rivers.
Samoyedes	von Stenin, Featherman.
(18) Abakan Tartars	Radlov.
Chewssures	Seidlitz, Erckert.
Kabards	Chantre.
Buriats	Melnikow.
Shahsewenses	Radde.
Ostyak	Pallas.
Biloch	Crooke.

NORTH AMERICA.

Navahos	Schoolcraft, Mindeleff, Bancroft.

SOUTH AMERICA.

Tobas	D'Orbigny, Thouar, Gonzalaz.

AFRICA.

Peoples.	Authorities.
Beni Amer	Munzinger.
(13) Massai	Hollis.
Colonial Hottentots	Fritsch, Kohler.
Khoi-Khoin	Wanderer in Steinmetz, Kohler.
(7) Batauana	Passarge.
Dinka	Seligmann, Sullivan.
Ovaherero	Dannert, Hartland.
Mundombe	Magyar.
Wambugu	Kohler.
Korana	Fritsch.

AFRICA. AGRICULTURE II.

Bageshu	Roscoe.
Basoga	Cunningham.
Wafiomi	Baumann.
Wambugwe	Baumann.
Bateke	Guiral.
Warega	Delhaise in Overbergh.
Mayombe	Overbergh and Jonge.
Mangbetu	Overbergh and Jonge.
Bangala	Overbergh and Jonge.
Bali	Hutter.
Mandja	Gaud in *Overbergh.*
Tuchilange	Wissmann.
Mundombe	Magyar.
Azande	"Annales du Musée du Congo."
Baquiri	Leuschner in Steinmetz.
Bondei	Dale, Kohler.
Wanyaturu	Baumann.
Wawira	Stuhlmann.
Maravis	Peters.
Banyai	Livingstone.
Ouissama	Price.
Angoni	Wiese.
Lendu	Stuhlmann.
Latuka	Stuhlmann.
Kunama & Barea	Munzinger.
Fang	Bennett, Lenz.
(12) Yaunde	Zenker.
Niam Niam	Schweinfurth.
(15) Ba-yanzi	Torday and Joyce.
Banaka & Bapuku	Oertzen in Steinmetz.
Wadoc	Stuhlmann.
Baluba	Wissmann.
Adio	" Musée du Congo."
Abandia	" Musée du Congo."
Gallinas	Harris.
Waheiei	von Schele.
Bakongo	Ward.
Azimba	Angus.
Wajiji	Hore.
Banyang	Hutter.

AFRICA.

Peoples.	Authorities.
Bakundu	Hutter and Conrau.
Mabum	Hutter and Conrau.
Batom	Hutter.
Oupoti	Ward.
Mpongwe	Buchholtz.
Monbutu	Schweinfurth.
(13) Masai	Hollis.

NORTH AMERICA.

Seminole	Maccauley.
Pawnees	Farrand, Grinnell.
Creeks	Bartram, Hawkins, Caleb Swan.
Woolwa	Wickham.
Natchaz	"Jesuit Relations," vol. 68.
Illinois	"Jesuit Relations," vol. 51, Charlevoix, de.
Wyandot	Powell.
Porto Rico	Fewkes.
Towka	Bancroft.
Continental Caribs	Bancroft.
Caribs	de Rochefort.
Tarahumare	Lumholtz.
Tepehuanes	Lumholtz.
Huicols	Lumholtz.

SOUTH AMERICA.

(4) Sambioa	Ehrenreich.
Guarayo	von Martius, D'Orbigny.
Mundrucu	von Martius.
Uaupe	von Martius, Wallace.
Chiquito	D'Orbigny.
Moxo	D'Orbigny.
Bororo	Fric and Radin.
Jivaro	Simson, Markham.
Apiaca	von Martius.
Jumana	von Martius.
Chambioza	Castelnau.
Chiriguano	D'Orbigny, Church.
Gagua	Castelnau.
Manctaneres	Markham.
Tapuya	"Jesuit Letters."
(10) Yonca & Boni	Coudreau.
(6) Ges	von Martius.
Icanna	von Martius, Wallace.
Guato	von Martius, Castelnau.
Campas	Ordinaire, D'Orbigny, Urquhart.
Tapui	Thouar.
Cureto	Wallace, Markham.
Paressi	Steinen.
Uanambua	Wallace.
Miranha	Castelnau.
Mocetenes	D'Orbigny.
Senci	Smith and Low.

OCEANIA.

Peoples.	Authorities.
Murray Islands	Haddon.
S. Melanesians	Codrington.
Florida	Codrington.
Bugotu	Codrington.
S.E. Solomons	Guppy.
Saa	Codrington.
Malo	Denian.
Koita	Seligmann.
Roro	Seligmann.
Mekeo	Seligmann.
Waga Waga & Tubi-Tubi	Seligmann.
Bartle Bay	Seligmann.
Trobriand Island	Seligmann.
Marshall Bennett	Seligmann.
Woodlark Islands	Seligmann.
Louisiades	Seligmann.
New Hebrides	Codrington, Williams, Agostini.
New Caledonians	Atkinson, Moncelon, de Vaux.
Gazelle Peninsula	Parkinson.
Sulka, Neu Pommern	Parkinson, Hahl.
N. New Mecklenburg	Parkinson.
S. New Mecklenburg	Parkinson.
Moanu	Parkinson.
Motu	Turner.
Mowat	Beardman.
Naaiabui	d'Albertis.
Bogadjim	Hagen, Hoffman.
Macklay Coast	Miclucko, Macklay.
Mafulu	Williamson.
Jabim	Vetter.
Caroline Islands	Christian, Gräffe.
Marshall Islands	Kohler.
Peleu Islands	Kubary.
Gilbert Islands	Parkinson.
Maoris	Tregear, Taylor, Meinicke, Brown.
Rotumians	Gardiner, Meinicke.
Tongans	Meinicke, West.
Rarotongans	Meinicke.
Hawaians	Marcuse, Meinicke, Ellis.
Tahitians	Ellis, Meinicke.
Marquesas	Meinicke.
Fijians	Williams, Fison.
Savage Islands	Thomson, B.
Torres Group	Rannie.
St. Christeval	Vergnet.
Samoa	Turner, G., Krämer, Meinicke, von Bülow.

ASIA.

Paharia	Dalton, Rowney.
Kandhs	Dalton, Hunter.

ASIA.

Peoples.	Authorities.
Kachari	Dalton.
Limbus & Korantes	Dalton, Risley.
Chackma	Risley, Lewin.
Kols	Rowney, Man, Crooke.
N. W. Kols	Crooke.
Kharwar	Crooke.
Majhwar	Crooke.
Gonds	Crooke, Forsyth, Rowney.
Dhimals	Hodgson.
Maghs	Risley.
Kaupui Nagas	Watt.
Kolya Nagas	Watt.
Ao Nagas	Godden.
Lhota Nagas	Godden.
Soma Nagas	Godden.
Lahupa Nagas	Godden.
Sea Dyaks	Ling Roth, Hose and McDougall.
Land Dyaks	Ling Roth.
Nicobarese	Man, Svoboda, Solomon.
Waralis	Wilson.
Dodonga	Zollinger.
Mentawez	Rosenberg.
Arunese	Rosenberg.
Irulas	Thurston, Shortt.
Kiangans	Blumentritt.
(17) Teleuts	Radlov.
Red Karens	Colquhoun.
Samales	Schadenberg.
Bontoc	Schadenberg, Jenks.
Tagals	Blumentritt.
Subanos	Blumentritt.
Dophla	Dalton.
Oraons	Dalton, Hewitt.
Pani Kocch	Dalton, Hodgson.
Santals	Risley, Hunter.
Tharu, N.W.	Crooke.
Tharu, Bengal	Risley.
Khonds	Rowney, McPherson.
Kei	Rosenberg.
Flores	Riedel.
Engano	Rosenberg.
Italones	Blumentritt ("Versuch einer Ethnog.")
Catalanganes	Blumentritt ("Versuch einer Ethnog.")
Calingas	Blumentritt.
Lepcha	Dalton, Risley.
Toungtha	St. John, Lewin.
Tipperah	Lewin.
Guinane	Schadenberg.
Milanau	Ling Roth, Hose.
Orang Bukit	Knocker.
Muruts	Ling Roth, Hose and McDougall.

Peoples.	Authorities.
Asia.	
Badjus	Posewitz.
Boksas	Stewart.
Pathan	Crooke.
Kami	Lewin.
Asia.	**PASTORAL +.**
Larbas	Geoffroy.
Uzbegs	Vambery.
Midhi	Dalton.
(2) Turcomans	Featherman, Stein, Hagenmeister, Moser.
Kazak Kirghiz	Radlov, Levschin, Hagenmeister.
Kara Kirghiz	Radlov.
Yakuts	Summers.
Altaian Kalmucks	Radlov, Köhne, Pallas.
Mishmis	Dalton.
Africa.	
Ama Xosa	Fritsch.
Amazulu	Fritsch.
Bechuana	Fritsch.
Baquerewe	R. P. E. Hurel.
Makololo	Livingstone.
Wataturu	Baumann.
Gallas	Paulitschke.
Bogos	Munzinger.
Beduan	Munzinger.
Somal	Paulitschke, Featherman.
Danakil	Paulitschke.
(9) Bahima	Roscoe, H. H. Johnston.
	AGRICULTURE III.
Africa.	
Banyoro	Cunningham.
Ondonga	Rautanen in Steinmetz.
Basutos	Casalis.
Alur	Stuhlmann.
Amahlubi	Marx in Steinmetz.
Washambala	Lang in Steinmetz, Kohler.
Basoga Batamba	Condon.
Wafipa	Thomson.
Sereres	Dr. Corre.
Kuku	Varden Plas.
Warangi	Kannenberg, Baumstark, Kohler.
Akamba	Hobley.
Nandi	Hollis.
Takue	Munzinger.
Wakikuyu	von Höhnel, Hobley.
Marea	Munzinger.
Nosse bé	Walter in Steinmetz.
Marutse	Holub.

AFRICA.

Peoples.	Authorities.
Bambara	Featherman.
Segoo	Featherman.
Calabar	Featherman, Hutchinson, Walker.
Foota Torra	Featherman.
Foota Jalon	Featherman.
Bushongo	"Musée du Congo."
Bambala	"Musée du Congo."
Duallas	Buchholtz, Kohler.
(14) Bahuana	Torday and Joyce.
Basonge Meno	"Musée du Congo," Torday & Joyce.
Basonge	Overbergh.
Mbengas	Duloup.
Waniaenwesi	Kohler.
Anyanza	Werner, Stanuas.
Yao	Werner.
Ababua	Halkin in Overbergh.
Wapokomo	Kraft in Steinmetz.
Baganda	Roscoe.
Bamsalala	Desognies in Steinmetz.
Wagogo	Cole and Beverley in Steinmetz.
Diakite Saracolays	Nicole in Steinmetz.
Jekris	Granville and Roth, Miss Kingsley.
Bawenda	Gottschling.
Warundi	Burgdt, Hartland.
Tshi	Ellis.
Ewe	Ellis, Zundel, Herold.
Yoruba	Ellis.
Baronga	Junod.
Bambala	Torday and Joyce.
Geges & Nagos	Hagen.
Bafiote	Coquilhat, Featherman.
Bukoba Natives	Richter.
Suaheli	Niese.
Bongos	Schweinfurth.
Fanti	Finsch, Featherman.
Ba-yaka	Torday and Joyce.
Wanyakyusa	Fulleborn.
Woloff	Tautain, Featherman.
Sese Islanders	Cunningham.
Wachagga	Kohler.
Wadigo	Baumann, Storch.
Bihenos	Capello and Ivens.
Indikki	Hoesmann.
Kilwa	Eberstein.
Kimbunda	Magyar.
Wasinja	Baumann.
Wapare	Storch, Kohler, Conrau, Baumann.
Cazembe	Peters.
Wasiba	Hermann.
Benin Natives	De Cardi in Miss Kingsley's "West African Studies."

AFRICA.

Peoples.	Authorities.
Chevas	Peters.
Kioko	Pogge.
Mabode	Burrows.
Lunda	Pogge, Schütt.

ASIA.

Kasias	Dalton.
Kayans	Hose and McDougall.
Kayans, Mindalam	Nieuwenhuis.
Kayans, Mahakam	Nieuwenhuis.
Singpho	Dalton, Parker, Wehrli.
Padam Abor	Dalton.
Munda Kols	Dalton, Selinghaus.
Dusun	Ling Roth.
Bungians	Blumentritt.
Singkel	Rosenberg.
Nias	Rosenberg.
Passumahians	Junghuhn.
Malays of Padang	Junghuhn.
Alfures	Junghuhn.
Java	Junghuhn and Rosenberg.
Timorese	Forbes.
Kafirs	Robertson.
Badaga	Metz, Rivers, Thurston.
Sonthals	Man.
Osettes	Morgan, Klaproth.
Bagobos	Schadenberg.
Igorottes	Blumentritt ("Ethnographie").
Suanes	Bodenstedt.
Adighe	Bodenstedt.
Battas of Sumatra	Junghuhn.
Tjumba	Junghuhn.
Miris of Hills	Dalton.
Miris of Plains	Dalton.
Garos	Dalton, Austin.
Tinguiane	Blumentritt.
Kharrias	Dalton, Risley.
Daians	Junghuhn.
Balinese	Junghuhn.
Angani Nagas	Woodthorpe, Godden.
Kenyah	Hose and McDougall.
Mukassares	Junghuhn.
Bugis	Junghuhn.
Maguindanaos	Blumentritt.
Khiva	Wrangell.
Karo Bataks	Müller.

NORTH AMERICA.

Pima	Bancroft.
Moqui	Schoolcraft, vol. 4, Bancroft.
Tao	Schoolcraft.
Zuni	Stevenson, Smiths. rep. 12.

Peoples.	Authorities.
North America.	
Guatemala	Bancroft, Stoll.
Papago	Bancroft, Lumholtz.
Zapotecs	Bancroft.
Mayas	Bancroft.
Hopi	Goddard, Farrand.
Sia	Farrand.
Apalachites	De Rochefort.
South America.	
Araucanians	Musters, D'Orbigny, Ochsenius, von Bibra, Latcham, J.A.I. 39.
Oceania.	
Neuforezen	von Hasselt.

NOTES.

1. With regard to the Sakai and Semang the distinction between the tribes living wild in the jungle and others is sufficiently clear. The former are classed among the Lower Hunters. The latter, who mainly practise some rudimentary agriculture, comprise numerous peoples of Semang, Sakai, Jakun, Mantras and others, with regard to whom we have a number of accounts by Martin, Skeat and Blagden, Wilkinson, Annandale and Robinson and others. It is impossible to form a satisfactory grouping of these peoples. The list given aims at enumerating as fairly as possible the different representative types.

2. *Turkomans* :—Population nearly one million in Russian, Persian and Chinese Empires (Stein, *Dr. Petermans,* 1880, p. 332). Original occupation seems to have been mainly war and robbery (p. 337). The majority are pastoral; some also practise agriculture (pp. 229, 337), while some live by fishing. The general statements of our authority do not distinguish the institutions of the different parts of the population and they are all entered here under " Pastoral."

3. *Bhuiyar* :—These are in large measure Hinduised people, presumably dependent on the Indian Government or on the Rajah's Government. The names Bhuiyar, Bhuinhar, and Bhuiya are used by different authors, and it is not always clear whether the same or different people are referred to.

4. *Karayaki* and *Sambioa* :—Two tribes of the Karayas, of whom Ehrenreich gives the same general account except that the second have distinctly more developed agriculture than the first. (Ehrenreich, *Ver. König. Museum für Völkerkunde,* Bd. ii, p. 8.)

5. *Paumaris* :—As described by Wallace (*Amazon,* p. 514) practised a little agriculture, though von Martius (*Beiträge,* p. 419) describes them as having had practically none—a very doubtful case of A[1].

6. *Ges* :—Some of these have cattle as well as agriculture (p. 288) but in general the industrial arts are said to be low while the morals of the nation are high. (Martius, *Beitrage,* p. 295.)

7. *Batauana* :—A pastoral people that have lately taken to agriculture. Up to the beginning of the nineties they left all agricultural work to the subject races. They have been left in the first division of the Pastoral stage. (Passarge, *Z. Ethn.,* 37, p. 690.)

8. *Ba-Yaka* :—A case of an African people with rudimentary agriculture and sufficient advance in other arts to be classed, though with some doubt, as A 3. Cultivation is by women and the hoe the only instrument, but manioc, maize, nuts and tobacco are grown, and they have cattle, though in a semi-wild state. The men weave palm cloth, the women make pottery, and though smelting is unknown there are hereditary smiths. Finally there is a regular trade in rubber, hay exported, and cattle imported. On this last ground we have placed them in the highest division. (Torday and Joyce, *J.A.I*, 36, pp. 42-4.)

9. Bahima :—Classified as Pastoral 2 because, though themselves pure cattle breeders, they have serf-settlements in each district who till the soil and supply the smith's work. (Roscoe, *J.A.I.*, 37, p. 98.)

10. *Yonca* and *Boni* :—Two groups of negro refugees from Dutch Guiana settled in French Guiana, under a " Grandman " chosen for life and recognised by the French Government. (Coudreau, *La haute Guyane R.E.*, 7, p. 460.)

12. *Yaunde* :—Would be classed as A 1 but for their smiths (p. 63) and a certain amount of trade (p. 64) and the possession of goats and sheep (p. 40). Much the same considerations apply to the Fang in general, of whom the Yaundes are a branch. (Zenker, *Mitt. der deutschen Schutzgebieten*, Bd. 8.)

13. *Massai* :—The Massai proper do not practise agriculture at all, subsisting mainly on cattle and war, but a division of them are agricultural and settled, and said by Sir H. H. Johnston to be more advanced in the arts. Their iron work appears to be the handiwork of a subject race or caste, this iron being purchased from the Swahili. We enter them both under Pastoral i and Agricultural ii. (Elliot, in *Introduction to Hollis*, Hollis, p. 330. H. H. Johnston in *Uganda Protectorate*.)

14. *Ba-Huana* :—A fairly typical case of A 3. Men clear the ground while the rest is done by the women. Domestic animals are goats, cats and fowls, and dogs used in hunting. This would correspond to A 2. But further they have smiths held in high esteem, tanning, weaving, and have a developed trade, use shell currency, and are regular middlemen. (Torday and Joyce, *J.A.I.*, 36, pp. 278-283.)

15. *Ba Yanzi* :—Said to be good agriculturists and therefore classed as A 2, though some of the interior tribes are said to be hunters. (Torday and Joyce, *J.A.I.*, 37, p. 138.)

16. *The Ainu of Japan* :—Agriculture is of a very elementary nature, consisting really of garden work attended to mainly by the women. The men are good herdmen, but so long as the women can procure sufficient food for the winter they do nothing. When the gardens fail they live by hunting, fishing, and gathering (p. 40). Their huts are insubstantial (p. 57). They have weaving looms (p. 80) and pounding mortars (p. 78) of their own, but metal adornments, cups, dishes and pots, are of Japanese manufacture (p. 49). They have been classed as A 1. (Batchelor.)

17. *Teleuts* :—Originally a Nomadic people, they are now settled and agricultural. As the transition is said to be now nearly completed, they are treated as belonging to A 2. (Radlov, vol. i, p. 334.)

18. *Abakan Tartars* :—Nomadic Pastoral. Some are beginning to settle and practise a little agriculture, but as even in their case the main occupation is cattle-rearing they are treated as P 1. The Abakan Tartars of the Western group are now agricultural. (Radlov, vol. i, pp. 376-377.)

CHAPTER II.

GOVERNMENT AND JUSTICE.

I. Government.

The first question that we ask is: how people are governed at the various levels of economic culture which we distinguish, how is order maintained, and justice administered? We distinguish first between the question of the form of government and the administration of justice.

(1) *The Form of Government.*

The simpler societies, particularly those of hunters and gatherers and the lower agriculturists and pastoralists, for the most part live in small communities, varying in number of inhabitants from perhaps a score to two or three hundred. Information on the question of numbers is unfortunately too often vague and uncertain to admit of the construction of any table on this point. But among the lower gatherers we generally hear of quite small groups, 2 or 3 to 5 or 6 families in the usual sense of that term, making 1 or perhaps 2 " enlarged families " of brothers or possibly cousins with their wives, children and grandchildren. It may be remarked that if we suppose an old man and his wife, two sons and their wives with 3 or 4 growing children apiece to be living together, we get a group of 13 people. Two such households would form a group of 26, which is as large as many of the groups of jungle tribes seem to be. Two pairs of such groups would be 52, which seems to be about the average of an Australian local group, and in many cases, though we are not unfortunately able to say in how many, the little society appears in fact to be constituted by people thus nearly related, the elder males being brothers or cousins.[1] But

1. The " wild " Semang live in groups of this kind. It is not clear that they are always composed of one " enlarged family " alone, but at any rate the settlement seldom exceeds 2 or 3 huts (Martin, pp. 859-60). The largest group known to him contained 27 persons. Among the Kubus we hear of 3—5 and also 10—12 huts (Hagen, 93—95). It would seem possible that an alliance of 2 distinct kindreds might be temporary but under the conditions if it became permanent it would involve fusion by intermarriage.

often, especially as we go a little further up the scale, we hear of small villages or bands, and sometimes of numbers such as two hundred or more, and often we learn nothing definite about the relationships or affinities connecting their members. But there are two possibilities which affect the question. The group may be exogamous. If so, it is because there is a real or supposed relationship between its members. Or there may be no bar to marriage within its limits, and in that case the small number of the families will secure that all are connected over and over again by ramifying intermarriages. In fact the actual relationships will be closer and more numerous than in the former case, though even here it may be pointed out that the total population of the contiguous groups within which marriage is practicable probably does not exceed that of a very small town, so that the fictive relationship of gens or totem is backed by a very real amount of actual consanguinity. Though these little societies often cannot be identified each as a definite kindred, they in fact have ties of kinship and affinity at their back and are fortified by magico-religious ideas of the totem, the clan, or the matrimonial class, in which a sense of kinship is expressed.

Little communities of this kind form the effective social unit in the lowest economic stages. They are in a measure self-dependent. They own a definite area of land. They join, more or less effectively as the case may be, in repulsing the assaults of any other group; and again, in varying degrees of energy and community of feeling, they will protect their members against others. They may have a chief or a council, formal or informal, of the older men. They may have little or no formal government.[1] But in the main they are self-dependent, owing no allegiance to anyone beyond their limits. Yet they do stand in social relations to neighbouring groups. A number of such groups probably speak the same dialect, and call one another by the same name, intermarry freely, perhaps meet at certain times for religious or ceremonial purposes, are generally on friendly terms, and perhaps are ready to co-operate for mutual defence. Such an aggregate of groups is generally known as a tribe, even if it possesses no common government or corporate individuality.

1. The Roucoyennes supply a good illustration of the informal, almost casual, manner in which a chieftainship may arise. A man who makes a clearing and founds a settlement is a tamouchi. He gives his daughters in marriage to men who become his peïtos, who do a certain amount of work for him and are in semi-dependence but might leave him and found a new settlement, while he himself becomes a peïto if he lives with his father-in-law. The tamouchi, having however established himself, may nominate his successor, or be succeeded by his son, so that the institution becomes permanent. (Coudreau, *Chez nos Indiens*, 258—9)

Our tables will show that as we ascend the economic scale, tribal unity becomes more clearly defined. We more and more often find a definite tribal chief or council to which all the constituent groups own a measure of allegiance. Where there is no such common government it becomes a question—and one which for certain purposes of classification is of no small importance—whether we should regard the tribe or the local group as the true social unit. The group is the more valid and effective unit, but the ties that relate it to other groups cannot be ignored. If local exogamy is the rule, the group is never a self-sufficient community. If without being the rule it is a very frequent practice, the same verdict must be passed, though in a weaker form. The only safe course for us is to pay regard to both points of view. When the various groups that compose a tribe live in habitual intercourse with one another, practising intermarriage, owning a common cult, and accepting a common name, we must speak of them as forming, under certain aspects, one society, though they have no common government. We must also bear in mind that under another aspect they form several societies, and in considering our results we must allow both aspects to pass under review.

As far as concerns government, the main result of these considerations is that we must distinguish between smaller and larger groups. If we speak of a chief or a council, we must know whether it is the chief or council of a local group or of a tribe. But we must remark further that a tribe may be divided, not so much into locally distinct groups as into totems or clans, that pervade its whole area but yet have a semi-independent organisation of their own. To use the most general expression possible, therefore, we have distinguished primary and secondary social groups. The primary group is the smallest organisation above the simple family which has a recognised unity and a measure of self-government. The secondary group is an aggregate of primaries. The primary group may be an enlarged family; it may be a clan recognising common descent or a totemic band; or it may be a local band. Moreover, these divisions of a tribe may coexist, and there may be more than one group which might deserve the name of primary. In such cases we give the primary to the group which exercises most of the functions of government. Often we shall, in fact, find that there is something analogous to government fairly well developed in the primary group, while there is little or nothing of the sort beyond it.[1]

1. Sometimes the chief of the primary group is an important person while the chief of the tribe is a shadowy figure. Thus, among the Nootka, the chief of the sept is alone allowed to hunt whales, to give potlatches, and offer prayers. But there is no true tribal chief, though the chief of the highest sept has a limited authority over the tribe and the chiefs col-

As we ascend still higher in the scale there arise societies which we should no longer call tribal. The limits of the conception of a tribe have never been clearly laid down. We take it that when government becomes so far centralised that local divisions have lost their independence and local chiefs have become or are replaced by heads of districts appointed by a ruling individual or council, a more regular form of government has arisen. We have called such governments national and have not sought to correlate them further in detail with the simpler kinds, as a new nomenclature would be necessary which would not run on all fours with the old.

We have then inquired (1) whether government is confined to the primary or extended to a secondary group, or is of the national kind. (2) Within each group whether it is based on the power of a chief or council, and whether it is so vague and circumscribed that it may be regarded as "slight or nil."[1] If there is a chief, is he hereditary, or does he owe his position to election, or to prowess in war or the hunt, or to wealth?[2] Such methods of obtaining his position would be grouped in antithesis to the hereditary as "personal." We should have liked to discover how often he is identical with or distinct from the shaman or medicine man, but our results have not been sufficiently numerous or clear to tabulate. We note, however, whether the power is inherent in the office or depends on personal ascendency and the influence which he can in fact bring to bear. We note also whether his power is mainly in war, whether it is confined to judicial matters, and whether the war and peace chief are distinct. The same questions repeat themselves for the secondary group.

The following table summarises our results for the primary group:—

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lectively form a council. (Boas, B.A., 1890, p. 585.) Sometimes, as might be expected, the chief of a small community extends his influence over others, thus, among the Miris of the hills each community has an hereditary chief, who, in some cases, has obtained acknowledgment from a cluster of communities.

1. A typical instance would be that of the Central Eskimo, where, according to Boas (B.A. 1884-5) there is a kind of chief in each settlement who decides *e.g.* when it is time to shift the huts. But the families are not bound to follow him. Among the Western Eskimos there is sometimes, according to Bancroft, a hereditary chief, but his authority is nominal (p. 65).

2. Or to wealth combined with liberality? *e.g.*, among the Kenai, the chieftainship is acquired by giving feasts. (Bancroft, p. 134.)

	Total	Hereditary	Personal	Power	Influence	Power in War	War and Peace distinct	Council powerful	Government slight or nil
L.H.	36	8	6	3	10	0	0	5½	17
H.H.	75	20½	17	13½	32½	1	2	9	19
D.H.	8	1	1	4½	0	0	0	3	1
A^1	37	7	10	7	13½	4	5	8	10
P^1	16	1	4	2	8	0	1	4	2
A^2	119	34	22	20	34½	9	4	24	12
P^2	16	2	5	1	6	0	1	3½	0
A^3	96	16½	14½	7	23	2	0	19	0
TOTAL	403	90	79½	58	127½	16	13	76	61

They show (1) that upon the whole hereditary and personal qualifications count equally in determining chieftainship. We have 90 cases classed as "hereditary" and 79½ as "personal." On this point the stage of industrial culture seems to have no influence.

(2) In 58 cases the chief has "power," while in 127½ he has influence merely. Roughly it is only in one case out of three in early society that the chief's power is of a formal and decisive character. Here again there is on the face of the figures no clear correlation with economic status. But on this point it must be borne in mind that in the higher economic grades, as will presently be shown, the tribal government becomes more and more often effective, with the result that in the primary group the powers of the chief become subordinate. There are thus two opposite factors at work in the different grades. In the lower it is the frequent absence of all effective government, in the higher it is the presence of a superior government which reduces the powers of the 'primary' chief. Taken by themselves therefore these figures are not significant.

(3) The cases in which the chief has marked power as a war-leader without having general power are few—only 16 in all. There are nearly as many—13—in which the peace and war chief are distinct.

(4) There are 76 cases in which a council is noted as an important factor, but there is a vagueness in the accounts which we get of councils which reduces the value of this figure. It may, however, be noted that this heading appears in all the grades, and that the total number of instances exceeds that in which the chief has power, indicating that in the simplest societies government by discussion is as familiar as government by the "strong man."

(5) Far the most interesting result under this head concerns the existence of government as such. In 61 cases out of 403 we

have entered "government slight or nil."[1] These are cases in which we find no really coercive authority, whether exercised by a chief or a council. The distribution of these cases is significant. The following list gives the number in each grade, and assigns the fraction which that number constitutes of the total cases recorded at that grade :—

Name.	Cases.	Fraction of total.
L. Hunters	17	..... ·47
H. Hunters	19	..... ·25
Dep. Hunters	1	..... ·125
A^1	10	..... ·27
P^1	2	..... ·125
A^2	12	..... ·1
P^2	0	 0
A^3	0	 0

The dependent hunters here, as in most cases, stand apart from the rest. Omitting them we find an almost uniform fall from the lowest to the highest stages; the only exception being that the proportion in the lowest agricultural stage is rather high. It may be remarked that the proportion among the lower hunters is probably underestimated, as in the case of the Australians we record cases where there is any definite statement about the government of the local group, but many instances have been omitted owing to the indefiniteness of the account. It is probable that in many of these the indefiniteness is due to the absence of any real authority and that the number of instances of "government slight or nil" ought to be increased. We have then clear evidence of an advance in organised government accompanying economic development.

1. The cases are :

Lower Hunters :—Swan River, Powell's Creek, Kabi and Wakka, Herbert River, Lower Californians, Miwok, Shoshones, Kubu, Semang (44), Sakai (44), Negritos of Angat (3), Negritos of Alabat (39), Andamans, Punans, Botocudos, Batua, Bushmen.

Higher Hunters :—Thompson River, Greenland Eskimo, Labrador Eskimo, Western Eskimo, Central Eskimo, Atkha Aleuts (33), Koniaga, Tsekehne (26), E. Nahane (26), Luisenos, ? Carriers (26), ? Chilcotin (26), Nishinan, Ghiliaks, Tuski, Sakai of Kuala Kurnam, Guaycuru, Charrua, Payuga, Tehuelches.

Dependent H. :—Nicobarese.

Agricul. I :—Baining, Yuracares, Roucoyennes, British Guiana, Ité, Mataguayo, Canea and Antioquia, Negritos of Zambales (35), Sakai of Kuala Kurnam (44), Veddahs.

Pastoral I :—Navaho, Toba.

Agricul. II :—Nicobarese, Mocétené, Moxo, Campas, Wanyaturu, Yaunde, Fang, Waga Waga, Gazelle Peninsula, Bogadjim, Mafulu, Savage Islands.

A similar correlation appears when we consider the government of the "secondary" group. In the Appendix we set out all the cases in which we find evidence of some form of government for the "secondary group," including what we here call "national" government. The first group consists of cases in which a superior chief is mentioned, though we do not know how much power he possesses. The second gives additional cases in which he is recorded as possessing some definite power. The third consists of those where we find a chief of unspecified or slight power and a council, and the fourth those of a powerful chief and council. The last group gives the cases in which the council is the predominant factor in our accounts, little or nothing being said of the chief. Added together these constitute the total of the cases in which we find evidence of effective government extending beyond the "primary" group. The results are as follow :—

GOVERNMENT OF TRIBE.

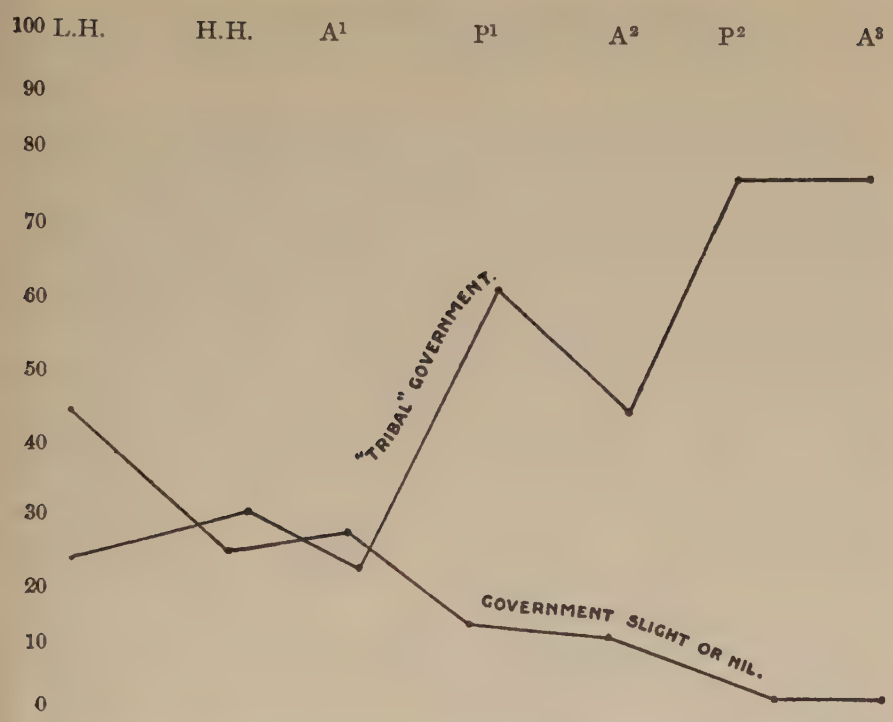
	All cases of government	Tribal chief	Tribal chief with power	Tribal chief and council	Tribal chief with power and council	Council Powerful	Totals	
L.H.	36	4	1	1	0	3	9	·25
H.H.	75	14	5	3	0	1	23	·31
*Dep. H....	8	2	0	1	0	2	5	·62
A^1	37	2	2	3	1	0	8	·22
P^1	16	4	2	4	0	0	10	·62
A^2	119	15	26	9	1	$2\frac{1}{2}$	$53\frac{1}{2}$	·45
P^2	16	3	6	1	$2\frac{1}{2}$	0	$12\frac{1}{2}$	·78
A^3	96	13	37	11	10	3	74	·77

Apart, again, from the dependent hunters, the table shows an almost continuous increase with the advance of economic status. The only serious exception is the low figure for incipient agriculture. It will be seen also that the pastoral stages are relatively more advanced in this respect than the agricultural, P^1 being higher than A^2, while P^2 is slightly higher than A^3. It may also be mentioned that the figure for the lower hunters probably overstates the case for the same reason as before—through want of definiteness—the instances in which there is no tribal government do not get adequately recorded.

The decline in the proportion of cases of "government slight or nil" and the rise in the proportion of cases where "tribal government" is found as we ascend the economic grades may be shown in the following diagram :—

* If we include the Dependents among the Higher Hunters we get the fraction ·34 for the whole.

The penultimate column gives the total of the five preceding columns. The last column reduces this total to a fraction of all cases of government in our record.



We may then conclude that there is a tendency both to the consolidation of government and to the extension of the area of organised society as we advance in the economic scale. In the lowest societies there is in nearly half the cases no organised government at all, and in three out of four cases no government at all beyond the primary group. In the highest pastoral and agricultural societies there is organised government in all cases, and in three cases out of four the organised government includes more than one "primary" group, and extends to a large village, a tribe, or perhaps a "nation."

II. Justice.

All societies recognise certain customary rules as binding their members, and at least within the society custom alone has a sufficient power to secure observance in normal cases. Differences arise in the nature of the rules themselves and in the definite measures taken to secure their observance by punishing a breach. It is the latter point which is considered under the present head. Here three main questions arise:—

1. To what extent or in what cases does society act as a whole or through its heads or through some definite institution to restrain or punish the wrongdoer?

2. What methods of punishment are in use?
3. What procedure is employed?

(1) *Private and Public Justice.*

In the first place there may be no regular action on the part of society as a whole. Murder, theft, abduction, or adultery may be treated as injuries to the individual affected, and they may seek redress either of their own strength or with the aid of their kindred or friends. Justice in such a case is a private matter. Redress may be sought by retaliation in like manner to the wrong done or simply by killing or beating the aggressor. Or it may take the form of a demand for compensation in goods. Or there may be a regular fight under conditions prescribed by custom;[1] or, lastly, without fighting, the aggressor may be required to stand a cut or thrust. Custom and sentiment may support the injured party, but unless the neutral public would actually come to his help at need we should regard this as a case of private redress. Similarly, in the Regulated Fight, custom certainly imposes limits as to methods of redress, but redress itself is left to the strength and skill of the parties. These cases are placed in our tables under the heads of (1) Retaliation and Self-help, (2) Composition, and (3) Regulated Fight. The case of a ceremonial cut or thrust, which is peculiarly frequent in Australia, is classed as an "Expiatory Fight." Very often no bloodshed occurs, and it is then more like a composition in that it is a form of satisfaction given by the wrongdoer to the injured party. It is certainly held to wipe out the murder and end the feud. Either retaliation or composition may be collective or vicarious, *i.e.*, may attach to the whole family of the aggressor or to any one of its members. We take these cases together under our third head. But this is not universal. It is just as likely that redress is sought at the expense of the wrongdoer alone.

At the other extreme justice may be a public function, regularly exercised by a chief, a council, or a special court for the punishment of all serious offences. This we call Regular public justice. But between the two extremes are gradations which are often very difficult to classify. To begin with, the public authority, be it what it may, may concern itself only with offences held to injure the whole community, *e.g.*, ceremonial offences, breaches of the tribal marriage laws, witchcraft, and especially murder by witchcraft, indiscipline, treason, cowardice, violation of the rules of the

1. Among the Central Esquimaux a murderer settles in the house with the relations of the murdered man, and after some weeks' residence with them is challenged to a wrestling bout. If defeated, he suffers death; if victorious he may kill one of the family. (Boaz, op. cit., p. 582.) In many cases the regulated fight is less serious, thus, among the Western Esquimaux, quarrels are often settled by a boxing match. (Bancroft, p. 65.)

hunt. These we class as "Tribal or Sacral offences," and we find in fact a large number of instances in which such offences are punished by some public effort and no others. Thus among the Bellacoola, a Salish group, we find that for transgressing the laws of the Kusiut ceremony, *e.g.*, by performing a dance to which a man has no right or making a mistake in dancing, the penalty is death, adjudged by the assembled chiefs. The execution is by a shaman, who bewitches or poisons the offender, but if the offender recovers he is not molested further, and a relative may, if willing, be substituted.[1] There is no account here of the treatment of other offences, but of the Salish, Kwakiutl, Nootka, Tsimshian, Thlinkeet, and Haida peoples, Niblack (*Smithsonian Reports*, 1888, p. 253) says: "In cases such as witchcraft or offences of medicine men, sentence of death or of fine is adjudged by the leading men of the village after trial. In most instances, however, the law of blood revenge, an eye for an eye, leaves little need for other than family councils, as they are purely totemic offences and are arranged by the injured gens." These are clear cases of the distinction between sacral offences deemed to concern the tribe, and private matters. More doubtful instances are those from the Makh-el-chel, a Californian tribe among whom, according to Powers (p. 214), we are told that a woman could be put to death by the chief for marriage or adultery with a white man. So again among the Nishinan, a very low Californian tribe according to the same authority (pp. 318, 320), kidnapping was punished by the community, but the leading case is that of a chief who sold a woman to the Spaniards. Probably both these instances are to be regarded as acts of quasi-treason to the community. Among the Seri, again, there was a kind of ostracism which might culminate in outlawry for associating with aliens, deformity, incurable indolence, disease, mental aberration, decrepitude, and a certain breach of the marriage law. Of these indolence was an offence against the clan, because it had to support each of its members; and the marriage regulation was that a bride should for a year be at the disposal of the bridegroom's clan fellows. If he exercised his own rights during that time, he offended them collectively. All these therefore we should class upon the whole as of the nature of public offences. Sometimes again, breaches of order in the hunt might be punished by a special Hunt police, as among the Omaha,[2] while among many Australian tribes, it is well known, breach of the marriage rules was the most definite occasion for the intervention of the collective force of the group. Next, the community may intervene irregularly or in special cases. It may avenge the death

1. Boaz, B.A., 1891, p. 417.
2. Dorsey, Omaha Sociology. *Smiths. Report*, iii., pp. 288, 363, 367.

of a chief or popular man.[1] It may expel or kill a man who has killed two or three others in cold blood or who has made himself generally unpopular.[2] This sort of public justice falls far short of any regular rule assigning definite punishment to a specific offence. It is more like lynch law, or the exceptional act of a civilised government in troubled times. We class such cases as acts of " Occasional " public justice.

Next a public authority may deal with some cases of private wrong and not others, *e.g.*, with homicide and not theft, as in some Australian groups; or with theft and not homicide, as in some South American instances. These come under our heading "Public justice in some private offences."

Again, the system we find may be one in which private and public elements are intermingled. The injured party may, for instance, get the chief or some officer to help him, to find the stolen goods,[3] or to arrest and confine the murderer of his brother. But he initiates the proceedings. He decides whether he will forgive or accept compensation or exact life for life,[4] and he executes the

1. Thus among the Shoshones, according to Bancroft (p. 435), a murderer may be left to vengeance, " or if the sympathies of the tribe are with the murdered man, he may possibly be publicly executed but there are no fixed laws for such cases."

2. Thus among the Esquimaux of Labrador (Turner, *Smithsonian Reports* 11, p. 186) a man of very bad character may be boycotted, and if, under these conditions, he were to commit a murder, several men may combine to put him to death. So too among the Central Esquimaux (Boaz, *Smithsonian,* 1884-5, p. 582 and appendix), if a man has made himself odious, *e.g.*, by murder, and especially by repeated murders, any man may ask the consent of his neighbours separately to his death and may kill him without fear of vengeance. A transition to more regular law may be illustrated from the Campas, who had no regular government and habitually practise vengeance, but of whom Urquhart (*Scottish Geogr. Magazine*, 1893, p. 349) states, in the case of a man who had murdered his mother, " Not an Indian but would kill him upon sight." Lynch law is here becoming as effective for certain purposes as public justice, but we should still, on the whole, class the case as " Occasional."

3. *E.G.*, among the Karayaki and Sambioa, the chief's function is to help in bringing offenders to account, but not to execute punishment, which is for the injured party or kin. (Ehrenreich. *Beiträge,* p. 29.) Among the Kalmuks there is no death penalty but a murderer refusing to pay the fine might be surrendered to the relatives. (Liadov, *J.A.I.*, i, p. 414.)

4. Thus, among the Gallino-mero of California, Powers (*Contrib. to N.A. Ethn.* iii, p. 177) states that the avenger of blood has his option between vengeance and composition, " but he does not seem to be allowed to wreak on him a personal irresponsible vengeance." The chief ties the criminal to a tree while a number of people " shoot arrows into him at their leisure."

sentence.[1] Possibly there is even a regular trial, but sentence is left to the accuser to execute, and if he cannot enforce it there is no further means of redress. Again, it may be wrong for him to exercise revenge until he has obtained a judgment in his favour which states what the revenge ought to be. Or it may be that he can avenge himself on the spot, but if time has elapsed he ought to go to a court. In all these cases there is a blending of opposite principles. We class them as cases in which private justice is assisted or controlled, or both. The difference between Assistance and Control is difficult to assign in general terms, but we have placed each concrete case under one head or the other according to the details given.

How far to extend these heads is one of our most difficult questions. At the lower limit we demand something more than custom or public sentiment as the force supporting (or controlling) the avenger. To take a concrete case. Among the Geawegal in Australia we are told that custom requires a man who has injured another to expose himself to spears thrown by him. This, Rusden[3] says, is never refused, but if it were it would be enforced by the collective power of the people. Taking this as literally true, we class it as a case of Assisted Private Justice.[4] Among the Bangerang, according to Carr, there is a similar custom. But if the aggressor declined the result would probably be that he would be killed some time or other by the injured man and no one would avenge him. We leave this among cases of private justice. Other cases of expiation, where we are not told what would happen but

1 *E.G.*, among the Ojibways, according to Jones (*Hist. of the Ojibway Indians*, p. 109), murderers were brought to trial before the council, and if the relatives required it, the punishment was usually death, executed by the next of kin.

2. Thus, among the Bataks of Palawan, in cases of murder, theft, or adultery, the relations may exercise vengeance on the spot, but if the matter is reported the old men intervene and prescribe punishment. (*Venturillo, I.A.E.*, xviii, p. 138.)

3. Fison and Howitt, *Kamilaroi and Kurnai*, p. 282.

4. A doubtful and peculiar case is that of the Greenland Esquimaux. An injured man, according to Nansen, will challenge another to a drum dance, in which each party sang satirical songs at the other, and the losers might be " fairly driven out of their homes and settlements by this means " (Nansen, *First Crossing of Greenland*, ii, p. 328). It would be absurd to call this Public Justice, as we are told that the winner was the man who could secure the laughter of the audience on his side; though it may be held to involve a certain public intervention. It has been brought here with some doubt, under the head of " The Regulated Fight." Vengeance by relatives also occurred among these peoples, a murder being no "business of the community." Yet bloodshed was abhorred (Id. *Eskimo Life*, p. 162-3).

merely that it is the custom, we have entered separately. Generally when we find either (1) that a man can get the help of a chief, but that there is no account of any trial, or (2) that there is something of the nature of a trial, but that the accuser has in the end to act for himself, and can accept any satisfaction offered him, we class the case as one of Assisted or Controlled Private Justice, as the case may be.

Apart from punishment for wrong done, the chief or the community may intervene to settle disputes. This is the rudiment of civil justice, and nothing is more common than to hear that it is the business of the chief to "settle disputes." But if we read further of the functions of the chief we are quite likely to find that he has no definite power, that he trusts to his influence, that this depends on his character and circumstances, or that he rules by persuasion rather than authority. We cannot, then, regard him as a civil judge with powers to execute his decisions.[1] Very probably his decisions are, in fact, accepted as a rule, but unless there exist means of coercing the recusant in the last resort we cannot speak of civil justice in the full sense. We class all such cases under "Arbitration," a heading which will include at the one end the simple settlement of disputes by an impartial person, and at the other an award which is formally given but is not enforced on the parties.[2] It would be useful to subdivide these cases, but this has not been attempted on the present occasion.

In some cases our information takes the form of a denial of any regular method of redress, rather than a positive description of self-help. We gather that there is very little regular govern-

1. We should hesitate to attribute anything more than powers of arbitration in a case like that of the Manthra, where the chief is said to settle disputes, including questions of theft, but no information is given about the punishment. One would suppose in such an instance that if the chief inflicted punishments, a statement to that effect would have been added. (Borie, *Tijd. voor Indische taal land en völkerkunde*, x, p. 407.)

Sometimes the arbitrator might be changed. Thus, among the Tagals, the dato administered justice but if not satisfied with him, the parties might go to an arbitrator. We must infer that his authority was not executive, though among this people there was a death penalty for tribal offences and a scale of composition for others. (Blumentritt, *Z.E.*, 25, j. 16.)

2. As among the Hupa of California, Goddard (*University of California, Explorations*, vol i, p. 59) shows that there was a regular system of arbitration, which was wholly voluntary, and if it failed, vengeance, which might be vicarious, was the resort. Among the Ghiliaks all we hear of the maintenance of order is that the elder men would adjust disputes, the alternative being a duel, in the presence of witnesses, terminated by a slight wound. (Deniker, *R.E.*, ii, p. 309.)

ment, no regular law, no courts, etc.[1] In such cases, if the evidence is sufficiently positive, we may infer that if a man wants redress, he must get it for himself. But it would be going beyond our warrant to say that self-redress actually exists. The evidence is negative and as such must be received with caution. Where we decide to accept it we class the case as one of "No Law," meaning by that there is no stated method by which the collective force of the community is brought to bear upon a wrongdoer.

In some instances the reason for the lack of this function is that happily it is not needed. Grave crime is so rare that no provision is made for dealing with it, and the question what would happen if it occurred can only be answered hypothetically. Thus the sixteenth century Jesuits found the Tapuya people to be such lovers of peace that none of them had any remembrance of "balterie" or quarrelling among themselves, while they even treated their enemies humanely. Though the Tuski have no assignable met' ods of dealing with crime, it may be, as we have seen, because it is too rare to have given occasion for any such institution. Among the Dodonga we are told that murder, theft, and adultery are almost unknown, and similar accounts are given here and there of other peoples. We class these happy communities, of which there is a sprinkling in most of our grades, as "Crimeless."

Lastly, there are cases in which public punishments are spoken of, but the nature of the offence which would provoke them is not given. These are tabled as "Unstated."

(2) *Methods of Redress.*

As to methods of redress something has already been said. But it should be noted that there are several points which are distinct in idea but may in practice be combined or entangled with one another.

(*a*) When an act is regarded as a private wrong, the desire of the injured party may be for physical vengeance. Or he may be satisfied with some form of compensation. In the case of vengeance he is apt to exact as much as he suffered, for otherwise he is left with a feeling of inferiority, and his pride must be reckoned with as well as the instinctive impulse to "take it out" of the man who has hurt him. Anything like "exact talion," therefore,

1. Thus, among the Koniaga, the information collected by Bancroft gives no clear account of the manner in which any offences would be dealt with; we are only told definitely that "authority is exercised only by heads of households" (p. 80). So again, according to the same authority, the Chepewyans have no laws or government (p. 121). Among the Tuski, it is clear from Nordenskjold's account (*Die Umsegelung Asiens*, Bd. ii, p. 123), that there is no definite method of maintaining order, but here crime appears to be very rare, if not quite unknown.

even when inflicted by a public body, is suggestive of underlying private redress, and this is still more the case where talion takes the form of the satisfaction of one family group at the expense of another. If one of family A has killed one of family B, it has weakened it, and equality demands that A should be weakened proportionately by the loss of as good a member.

(*b*) When an act is regarded as a public wrong the leading idea is the defence of society. Hence in grave cases the object is to exterminate the offender; exile may be sufficient but death is surer and it rids society of a centre of danger. In less grave cases society, like the individual, may be satisfied with atonement. This is (*a*) a way of punishing the offender,[1] (*b*) if the wrong is an offence against an individual of satisfying him, (*c*) of enforcing on the offender an admission of his wrongdoing, possibly of placating supernatural powers (*e.g.*, by a sacrifice or feast at the expense of the offender), and also of re-establishing harmony and good relations by a payment to the chief or to the community. There is a very clear notion in early society, as in our own childhood, that many, if not all, offences may be wiped out by a certain sacrifice on the part of the doer. This is not true compensation. It is atonement.

We class as Composition only cases where payment of some sort is made to the sufferer. Where this is clearly made by the judgment of a court we class it under Public Justice as "Fine to injured party" and contrast it with the "Fine to Court" (*i.e.*, to the chief judge, or possibly the community), which in practice often goes along with it.[2] We class under "Atonable" cases in which

1. Where expiation is the prime motive, the penalty may only come upon the offender in a roundabout fashion. Thus, among the Padam Abors, no free man may be put to death, and if a crime is committed the community must expiate it by a sacrifice. For this purpose it takes the first animal that comes to hand, the owner thereof being free to recover as best he can from the original offender. (Dalton, *Eth. of B.*, p. 24.)

2. While we are frequently told that offences are compoundable, it is not always easy to make out whether the fine is inflicted by a chief or court, or exacted by the injured party. Thus among the Petawet in California, Powers (*op. cit.*, p. 98) tells us that murder is punished by a fine of shell money—10 strings for a man and 5 for a squaw, but he does not state definitely by whom it is imposed. From his general account of the Californians we may assume that it is a case of composition for vengeance, and we have entered it as such with a query. Sometimes, when it is clear that a fine is inflicted by a court, it is not certain to whom it was paid; thus, in Flores (Riedel, *Rev. Coloniale Internationale*, 1886, p. 69), the chief and elders are charged with the settling of disputes, and we are told that adultery, arson, wounding and larceny are punished by fines in default of which the offender may be sold into slavery, but we are not told to whom the fines go. We have therefore had to enter the case under "Crimes Atonable," not under 'Composition," though very probably the latter head would be justified.

we are told that all or most grave crimes can be made good by payment, but without learning more precisely the form in which this payment is imposed. Our figures tend to show that the principle of atonement rather extends than restricts itself as we ascend the scale. It is only in Australia that the form of atonement which we call the Expiatory Combat occurs in any large number of instances, and if we omit these the cases of atonement among the Hunters would be very few. This result is what we might expect from the economic development.

(3) *Procedure.*

In the lower societies information about procedure is often very defective. We sometimes hear of a man being "found guilty," but with no indication of any trial which precedes the verdict. Often an Australian group holds definite consultation on the question whether a man should be killed, but on what grounds the decision is taken we do not know. Here and there, as in N.W. Central Queensland, we hear specifically that the camp council enquires whether a man who has slain another in a fight had just reason for so doing, and, if not, puts him to death. This seems to be at least a rudimentary trial, but unless we have a clear statement that the accused is heard, or that some regular process is gone through by which justice is established, we hesitate to give it the name. We table as cases of Public Justice "With Trial" those in which the evidence points to a formal investigation, and we have numbered the instances in which the Oath or Ordeal is used.

The bald results in each grade will be found in the tables in Appendix B. To interpret them we must in the first place group them together; and, in the second place, consider them in relation to the actual structure of society in different parts of the world and in different economic grades.

The Results Grouped.

In order to ascertain whether there is any real advance in the public enforcement of justice as we ascend the scale, we have brought our headings together in three columns, representing stages in the transition from unorganised to organised justice. The task of so grouping them presents considerable difficulties and we have accordingly formed two classificattons, referred to as A and B, in order to check our results at the principal points of doubt.

Classification A.

In the first place we form three columns :—

In column I we place cases of Retaliation, No Law, Regulated or Expiatory Fight (where we have no reason to regard this as a

penalty enforced in the end by the community). We do not remove a case from this group, because it also comes under "Occasional Public Justice," "Public Justice in Tribal offences," "Composition," or "Arbitration." We regard this as the lowest normal level of organisation.

In Column II we place cases of Assisted or Controlled Private Justice, and those in which some Private Offences are publicly punished. These may be combined with Retaliation or Composition. We add to this column the numerous cases in which there is a definite system of Public Justice covering all or most ordinary offences, yet self-help is still a recognised institution—the two in fact existing side by side.[1]

In Column III we have only those cases in which Public Justice is the regular system, although Composition may be allowed.

We are able to bring most cases under one or other of these groups and to find material differences as we pass from one stage to another. One point, however, remains to be explained, before we consider our results.

It will be seen that in some cases the letter E is entered in place of a cross under Retaliation. This means that injuries by anyone alien to the community are redressed by the sufferer. This seems at first sight to have nothing to do with internal justice but to be

1. The intermixture of private and public justice is due to various causes. It may be that the ties of kinship are too strong for the nominal authority of the chief. That would seem, from Ling Roth's account (*Natives of Sarawak,* vol. ii, p. 228), to be the case with the Sea Dyaks. Similarly, among the Munda Kols, we are told that cases of divorce and adultery were brought before the village meeting and the offending man might be beaten, but this was often not carried out owing to the power of the kindred. (Sellinghaus, Z. f. *Ethn.* iii, pp. 370, 371.)

Sometimes we see a transition due to the contact with the higher civilisation, thus, among the Araucanians of Chile, the older system is one of pure retaliation while now, according to Latcham (*J.A.I.,* xxxix, p. 355, 6), crimes are tried by the chiefs and elders of a clan but the condemned man may still resist, and if he belonged to another clan would do so, with the result that a tribal feud might arise. Among the Sonthals again, disputes were formerly decided by duels, "but of late time, as equitable remedies have been brought near them, this remnant of a barbarous age has departed." (Man, *Sonthalia,* p. 90.)

Sometimes a criminal if caught may be killed on the spot. This is the case with a murderer among the Yao (Werner, p. 264), where, nevertheless, a regular system of public justice is found. Among the Wadschagga, along with the regular system of justice, blood revenge for murder seems to be fully recognised. (Kohler, Z.V.R., 15, pp. 53, 62.) And among the Ova Herero the chief does not interfere with vengeance for murder unless moved to do so. Moreover, if the injured party is not satisfied with the decision of the court, he will take vengeance on his own account. (Dannert, pp. 10, 11.)

more of the nature of irregular warfare, and it is true that the line between family vengeance on an outside clan, and inter-clan feuds merging into tribal warfare is not easy to draw. But war proper is a collective act, and the characteristic of the vengeance in question is that it is instituted and executed by the aggrieved party and his kin without reference to the community as a whole.[1] It is therefore true retaliation, true private justice. But it is compatible with a high development of public justice within the society, and it must therefore be distinguished from self-redress within the community.

But here arises a difficulty which affects our classification a good deal. In many cases the question whether self-redress is classified as internal or external depends on the classifier's selection of the social unit. In the case of the ordinary Australian tribe we could produce solid reasons for taking the local group as the unit, and solid reasons for taking the tribe as the unit. On the former view we could produce a large number of cases of partially developed public justice or of assisted and controlled private redress—*e.g.*, in North and N.W. Central Queensland, among the

1. Thus among the Australians, we are often told that any natural death is attributed to a member of some other tribe or local group. It may then be the duty of the whole group to which the dead man belongs to avenge him. This gives rise to a tribal war or a feud between groups, which is often settled by a ceremonial fight. But it may also be avenged by the relatives. Thus, on the Darling River, if a corpse makes a movement in the direction of the guilty sorcerer's camp, some months afterwards a brother or other relation takes other men with him and finds the murderer, wounding and perhaps killing him. (Bonney, *J.A.I.*, 13, 134.) This seems to be primarily an affair for the relatives and friends, and in any case is mere vengeance upon an individual. Similarly, according to Le Souef (in Brough Smyth, ii, p. 289) any death is avenged by the relatives killing the first man of another tribe whom they meet. Again, among the Watchandee, while an aggravated case of real murder would lead to the invasion of a hostile tribe by all the males and indiscriminate massacre, a magic murder is dealt with by a single man who tracks the foe to his camp, where he is hospitably received though his errand is known, and he presently assassinates his man. (Oldfield, *Trans. Ethnol. Society*, 1865, p. 246.) This we should treat as External Retaliation. Sometimes the line is hard to draw. Thus, among the Paharias, according to Dalton (*Ethnology of Bengal*, p. 265) a man who has a claim on one of another village, gets his chief to assemble the vassals, plunder the village, and seize the offender, who would be detained until his relations paid up. As the chief acts in this case, and with his followers takes the plunder, we treat it as war, though it is mainly a matter of private redress. A clearer case is the custom which we find among the Bontoc Igorottes, according to which if a man is killed by a member of another village, he may be put to death by his own community or it may offer compensation; failing this there is war. This is clearly not a case of private redress but of the action of the community. (Jenks, p. 170.)

Narrinyeri, in West Victoria, among the Dieri, and so forth, and the cases of self-redress, at least as far as the murder of an adult male is concerned, could not be very numerous. The feuds, regulated fights, and expiatory fights between different groups of the same tribe would then all be regarded as external matters irrelevant to domestic justice and pertaining to the province of war. On these lines we should regard the typical Australian community as very small, consisting often of not more than 20 to 40 or 60 individuals,[1] as maintaining justice among its handful of members through the council of elders and as living on terms of friendliness, chequered with frequent charges of magic murder, with other groups speaking the same dialect, quarrels between groups being settled by real or ceremonial combats. The society would figure as tiny but as relatively well organised internally.

On the other hand the whole tribe might with equal appropriateness be regarded (in the sense explained above, p. 48), as a single, larger, but less well organised society,[2] between whose divisions party quarrels were frequent and were settled by fighting, more or less serious according to the nature of the case and the feeling between the groups. So treated an Australian tribe would be analogous to some more advanced society, comprising clans, villages, or other divisions. Within the clan of such a society, there is very possibly impartial justice, while between the clans there is only collective self-redress.[3] In this case, however, we are too likely to hear nothing of the justice within the clan. It is between clans that trouble arises and with this trouble that the code of the tribe is concerned.[4] Such a society therefore is apt to figure

1. Though occasionally extending beyond 100.

2. Thus throughout the Boulia district, according to W. E. Roth (p. 41), the natives can make themselves mutually intelligible, and possess in common trade-routes, markets, hunting grounds, customs, manners, and beliefs. They intermarry and would make common cause against an enemy. Mr. Roth describes them as messmates. His statement defines very fully what we mean when we speak of a single society in the absence of a common government.

3. Thus, among the Wyandots, who had a well developed gentile system, there is a clear distinction between offences within the gens, dealt with primarily by the gentile council, and offences between gentes, which are matter for compensation or, in the alternative, of vengeance by the kin. Though the tribal council in either case might intervene (at least in a question of murder), the distinction of principle is clear. (Powell, *Wyandot Government, Smithsonian Reports* i, p. 67.) Among the Ossetes, there was vengeance and later composition as between family groups, while within them the head might fine and even excommunicate an offender.

4. Thus, among some of the Igorottes, we have clear accounts of vengeance exercised upon members of other villages and leading to prolonged blood feuds (Blumentritt, Dr. Pet. p. 28), but we have no statement as to the relations within the village. The existence of ordeals (p. 30) would

in our Column I, as an instance in which self-redress by the kinsfolk is the regular method of obtaining justice, for there is no doubt that it is one society, and that self-redress exists as between its constituent parts while of the internal regulation of the parts we hear nothing.

It will be seen that unless we are careful to compare like with like as nearly as the conditions allow our classification may give a topsy-turvy result. The very fact that a society has grown beyond the primary group, and in its wider form is sufficiently compact to make it clearly recognisable as a unity, will also lead to recognised internal self-redress as one of its institutions, and it gets into our Column I in consequence. Were the society still better organised no doubt it would have public justice throughout. But the serious point is that if it be less organised, so little organised that we do not easily recognise it as a unity, it again escapes Column I and gets back into the highest column on account of the justice found in its

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seem to point to some public regulation but we can assert nothing with any definiteness. Among the Bagobos, again, blood revenge is said to exist to the fullest extent, but the description appears to refer to different villages, and of offences within the village we learn only that they are compoundable without being told how the composition would be enforced. (Schadenberg Z.E. 17, p. 28.)

In other cases what we hear is incidental and vague, but often sufficient to show that quite different ideas are at work. Thus, among the Thlinkeets, we learn from Swanton (*Smiths. Rep.*, xxvi, p. 427) that as between clans, there is retaliation, which may be vicarious, or composition; while within the family any disgraceful act is so keenly felt that the offender may be killed for it. Among the Shushwap, an interesting case is related by Mr. Teit. A bad man is slain by his relatives on the ground that he has conducted himself in such a way that someone will kill him, " and then we shall have to avenge his death." The deed is done in a large lodge but no one interferes until his slayers begin to challenge the others. (*Jesup Expedn.*, vol. ii, p. 560.)

Among the Creeks, in the time of Hawkins (*Trs. American Eth. Soc.*, 1853, pp. 66, 67) murder was primarily an affair for the relatives but the tribe might interfere if it thought itself likely to be affected, and then might seize either the murderer or the next of kin, hence the relations sometimes put the guilty man to death in self-protection.

According to Loskiel's account referring mainly to the Iroquois and Delaware, murder was avenged if not compounded, but if a man had killed his own relation, he escaped without much difficulty, for the family—who alone had the right to take vengeance—did not choose to deprive themselves of two members at once. (*History*, vol. i, p. 16.) Such illustrations tend to show how the very fact that men rely on the kin mainly for protection implies a different attitude, whether more or less severe, to offences within the kindred. The system moreover involves the virtual autonomy of kin in a code of customs recognised by the whole community, and therefore likely to impress a visitor.

smallest groups. We should thus get the paradox that societies of very low organisation (we are not speaking here of their economic grade) would tend to rank it with the most highly organised societies and above those which are really intermediate.

We avoid this pitfall by tabulating our societies twice over. With this object we form the heading "Primary group alone," under which we enter those societies in which we find some element of public justice, but only within what we have called the Primary Group. Of these we have two cases:—

(1) Among the Asiatic forest peoples the Primary Group is the only society that there is. Within it the elders may maintain order and punish offenders, and this is "public justice" in the only sense in which the term can be applied among such peoples. But beyond the group there are no regulated relations at all, so that such a people is really of lower social organisation—has on the whole less provision for the maintenance of order and redress of wrongs—than a tribe recognising a common head, but consisting of a number of such groups practising self-redress as against one another in accordance with a recognised code, for in such a tribe as has been observed there may be "public justice" within the kinsfolk though not as between one set of kinsfolk and another. Our first case, then, consists of those instances in which the enlarged family or family group and society are identical.

(2) Our second case comprises societies which have subdivisions, often but not always coincident with a kindred, protecting their own members and exercising some internal justice.

Including these two cases within the meaning of the term "justice within the primary group," we proceed, so far as our evidence allows, to distinguish the instances in which public justice extends so far but no farther, and on the basis of this distinction we make two tables. The first recognises "public justice" when confined to the primary group. The second ignores it when so limited, requiring (*a*) that it should be extended to a society wider than that of the family group, and (*b*) that it should cover the relations of any divisions which such a society may comprise. In other words, in the first table we take the narrower of the available views of what constitutes the social unity, while in the second table we take the broader. Thus in the case of the Australians—numerically the most important body concerned in this question—we take first the view that the local group is the society, and reckon all retaliation beyond it is "external"; while in the second table we take the view that the tribe is the social unit and that feuds between groups constitute a form of internal self-redress.[1]

1. The difficulty in applying this definition in Australia is that the term tribe is differently used by different writers (*e.g.*, in the passage quoted above Mr. Roth uses it of the several "messmates" separately) and

Of the two tables the second gives the fairer basis of comparison between societies of different grades. For, as already remarked, in the larger societies we are often left without information as to the conditions obtaining within the primary group, whereas in the lower societies it stands out as the effective social unit. Hence in the first table many societies will figure as practising self-redress alone, although there may in fact be quite as much " public justice " within their constituent groups as is found in lower societies which do not extend beyond such groups. Moreover, this table involves the placing of justice between the nearest neighbours and kinsfolk on a level with justice as between distinct groups, and it is, in fact, precisely the difference between these two applications of justice which constitutes the principal distinction in the organisation of the simpler societies in relation to the maintenance of order. Nevertheless, it is desirable that both points of view should be exhibited, and our first table acts as a check on our second, indicating (as will be seen on comparing the two) the existence of elements of justice penetrating down to the lowest levels of social organisation.

There is, however, just this difficulty to be met. Among higher peoples it is barely possible that the cases marked as External Retaliation would in some instances be really analogous to self-redress, as between groups in, for instance, an Australian tribe. We have therefore made a third table, in which all cases of external retaliation above the Lower Hunters are reckoned under Column I, while among the Lower Hunters retaliation is not reckoned unless it be known to be between groups of the same tribe. This is done to avoid the danger of exaggerating the preponderance of retaliation among the Hunters. A comparison of Tables II. and III. shows that the discrepancy is not great, and as undoubtedly most of the " external " instances are truly external, and not comparable to the inter-group relations, the error, if any, in Table II. cannot be large.

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that the limits of the tribe in the wider sense are often vague. We have no doubt that the local group is normally a member of a wider society in our sense. But we cannot always identify this society. In that case we have no alternative but to treat all dealings beyond the group as external or " foreign." But often there is clear mention of a " tribe " to which the group belongs and in general we may roughly identify this tribe with our wider society. In so doing we are on the safe side for in point of fact close social relations often extend beyond the tribal limits.

As to the local group it is not always identical with a kindred or enlarged family—though it seems to be so in many cases—for it may contain kindreds within it. But though not identical it is in relation and tribal government closely analogous to the kindreds or clans of other peoples. Our first table emphasises the differences, our second the agreement, so far as affects justice.

The full list of peoples on which the tables are based is given in Appendix C, together with a discussion of certain difficulties and doubtful points in the classification, subject to these we arrive at the following results:—

Classification A.

Table I. Justice within the Group.

	Col. I.	Col. II.	Col. III.
L. H.	23 ...	13½ ...	½
H. H.	53 ...	5 ...	3
Dep. H. ...	1½ ...	6½ ...	1
A¹	16 ...	7 ...	6
P¹	5½ ...	5 ...	3
A²	36½ ...	30½ ...	23½
P²	5 ...	3 ...	7½
A³	13½ ...	38 ...	37½

Expressing the figures in each column as a fraction of all the cases in each grade we have:—

	Col. I.	Col. II.	Col. III.
L. H.	.62 ...	.36 ...	.01
H. H.	.87 (.78)...	.08 (.16)...	.05 (.06)
[Dep. H. ...	.17 ...	.72 ...	.11]
A¹	.55 ...	.24 ...	.21
P¹	.41 ...	.37 ...	.22
A²	.40 ...	.34 ...	.26
P²	.32 ...	.19 ...	.48
A³	.15 ...	.43 ...	.42

The Dependent Hunters should either be passed over or reckoned in with the Higher Hunters. The figure in brackets shows the result of the latter method.

From Table I. we form Table II. for Justice beyond the Primary Group by taking from Cols. II. and III. cases in which public intervention in private offences is confined to the primary group. These are added to Col. I. if we have direct evidence of self-help. Otherwise they are merely deducted.[1]

1. Where the conditions within the group are too vague for entry but there is clearly no organisation beyond it, *e.g.*, among the Veddas we get in Table ii an addition to col. i. In the case of the Wyandots justice within the group falls under col. iii, beyond it under col. ii.

TABLE II. JUSTICE IN THE SECONDARY GROUP.

	Col. I.	Col. II.	Col. III.
L. H.	34½	4	0
H. H.	53	5	3
Dep. H. ...	1½	6½	1
A¹	17	6½	6
P¹	5½	5	2
A²	36½	31½	21½
P²	5	3	7½
A³	14½	37	36½

Or in fractions of all cases :—

	Col. I.	Col. II.	Col. III.
L. H.	.9	.1	.0
H. H.	.87 (.78)...	.08 (.16)...	.05 (.06)
[Dep. H. ...	(.17)	(.72)	(.11)]
A¹	.58	.22	.20
P¹	.44	.40	.16
A²	.41	.35	.24
P²	.32	.19	.48
A³	.16	.42	.41

Finally, we subjoin for comparison Table III., in which above the Lower Hunters cases of external retaliation are reckoned as affecting justice.

TABLE III. JUSTICE, RECKONING EXTERNAL RETALIATION.

	Col. I.	Col. II.	Col. III.
L. H.	34½	4	0
H. H.	56	5	3
Dep. H. ...	1½	6½	1
A¹	18	6½	6
P¹	5½	6	1
A²	37½	33½	19½
P²	5	3	7½
A³	16½	38	35½

Or in fractions of all cases :—

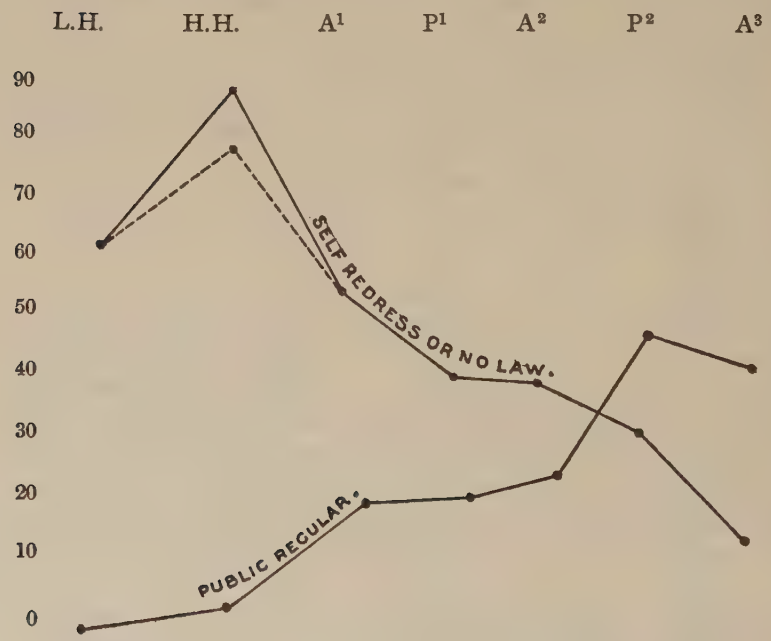
	Col. I.	Col. II.	Col. III.
L. H.	.9	.1	.0
H. H.	.88 (.79)...	.08 (.16)...	.05 (.05)
Dep. H. ...	.17	.72	.11
A¹	.59	.21	.20
P¹	.44	.48	.08
A²	.41	.37	.22
P²	.32	.19	.48
A³	.18	.42	.39

The Dependent Hunters, being either reckoned with the Higher Hunters or omitted, it will be seen that in Table I. the first column descends steadily from the Lower Hunters to A^3, except for a sharp rise in the Higher Hunters. Col. III., regular justice, at the same time rises from ·01 to ·48 in the highest pastoral, which is slightly above the higher agricultural stage in this respect. Col. II., on the other hand, is irregular, as it gains from Col. I. but loses to Col. II. through the advance of justice. The only serious deviation from the correlation of justice with the economic grade in this table is the excess of the Higher over the Lower Hunters in Col. I. In the second table this disappears, and the only interesting irregularity here is the somewhat high figure in Col. III. for the lowest agriculture.

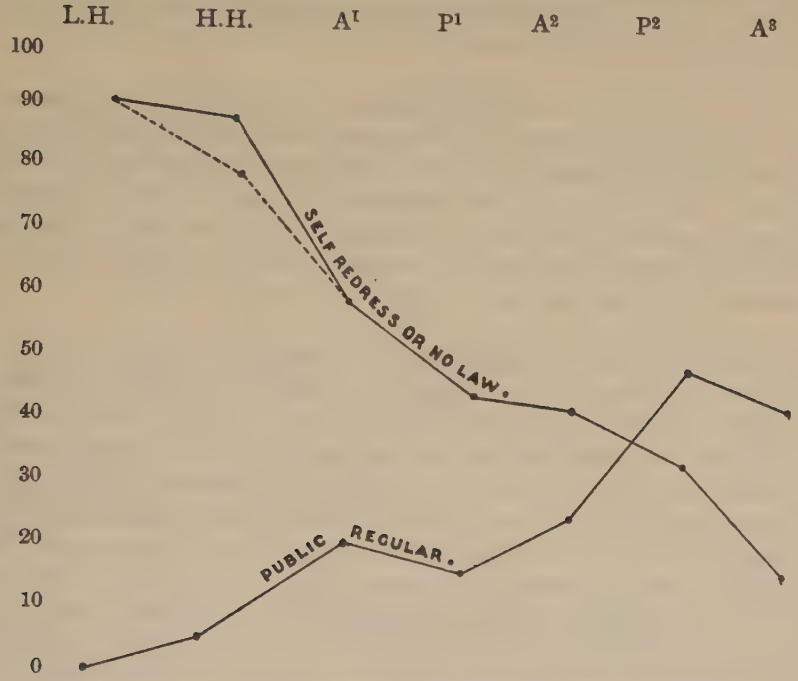
As explained above, the safest measure of the correlation between justice and economic development is to be obtained by taking the fraction derived from Table II., Table III. indicating the narrow limits of any possible error that may have arisen by classing retaliation among the higher peoples as external, which might, perhaps, correspond to the inter-group retaliation of the Australians.

The results of Tables I. and II. may be shown in graphic form :

JUSTICE IN THE SMALLER GROUP. I.



JUSTICE IN THE WIDER SOCIETY. I.



Dotted lines show the effect of including Dependent with Higher Hunters.

CLASSIFICATION B.

Perhaps the only serious element of uncertainty in the above tables concerns the borderland between Cols. I. and II. Some slight amount of "public assistance" may be given or "public punishment" inflicted in a system which is mainly retaliatory, and a reference to Appendix C will show the difficulties which we have met in classifying certain societies on this account. In fact, it is hardly likely that a small and homogeneous society could be wholly indifferent to wrongs done among its members, with all the possible consequences to internal peace. It is perhaps only when strongly organised kinsfolk are found within a community resolute to act for themselves and capable of resenting interference by others that redress is, as a matter of principle, left in their hands. We may suspect that if we had fuller information we should find some form of public intervention more frequent than appears in our tables. Further, there is a measure of intervention implied in regulated fights and expiatory ordeals, and in what was called "arbitration." We have therefore checked the above tables by a slightly different arrangement. We now make a fourfold classification by dividing our first two columns into three.

Col. I. contains the cases in which we have no evidence that private wrongs are treated as matters for public intervention. Thus

it includes instances of Self-redress and No Law (whether with or without public punishment for Sacral and Tribal offences and "Occasional" Public Justice).

Col. II. is that in which self-redress appears as the real basis of Justice but is qualified by some measure of public intervention. We refer to this column (1) cases of regulated or expiatory combats, (2) cases of Arbitration combined with evidence of self-redress, (3) cases of public assistance to, or control of self-redress, or of the public punishment of some "private" offences *when these are combined with the existence of pure self-redress.*

Col. III. is that in which public intervention is, in as far as our information goes, the leading feature, but is not complete. Here we have two subordinate groups, (*a*) those in which there is public assistance or control or the public punishment of some private offences *with no mention of any pure self-redress;* (*b*) those in which a regular public system is established but self-redress is still tolerated as a more or less admitted practice. These cases are removed from Column II. because in them Public Justice has become a complete system independent of the private avenger, although his irregular proceedings may still be countenanced. For the same reason these cases stand nearer to full Public Justice than those of group (*a*), though they have not been formed into a separate column to avoid too much subdivision.

Column IV. contains the cases in which Public Justice is the regular system.

The following Table gives the number of peoples in each column for each economic grade. The lists on which the numbers are based will be found in Appendix C. The decimal in brackets after each figure shows what fraction it is of all cases in its grade.

	I.	II.	III.	IV.
L. H. ...	10½ (.29)	19 (.53)	6 (.17)	½ (.01)
H. H. ...	38 (.62)	18 (.30)	2 (.03)	3 (.05)
Dep. H.	1½ (.17)	1 (.11)	5½ (.61)	1 (.11)
A^1 ...	13 (.44)	6 (.21)	4 (.14)	6 (.21)
P^1 ...	3½ (.26)	4 (.30)	3 (.22)	3 (.22)
A^2 ...	31½ (.35)	15 (.17)	20½ (.23)	23½ (.26)
P^2 ...	3 (.19)	3 (.19)	2 (.13)	7½ (.48)
A^3 ...	9 (.10)	14½ (.16)	28 (.31)	37½ (.42)

Combining the first and second columns in which self-redress

preponderates, and the third and fourth in which public justice preponderates, we get the following fractions :—

	I. & II.	III. & IV.
L. H.	.82 ...	.18
H. H.	.92 (84)* ...	.08 (.16)*
Dep. H.	.28 ...	.72
A^1	.66 ...	.34
P^1	.56 ...	.44
A^2	.51 ...	.49
P^2	.39 ...	.61
A^3	.26 ...	.74

* The figures in brackets show the effect of including the Dependent Hunters with the Higher Hunters.

To obtain the corresponding figures for justice beyond this group we transfer from a higher to a lower column cases in which the elements of public justice are found within the group alone,

The principal effect is to include all the Asiatic Lower Hunters in column I., to transfer several Australian tribes from column III. to column II., and to add several more Australians to column II. Above the Lower Hunters alterations are few. Details are given in Appendix C.

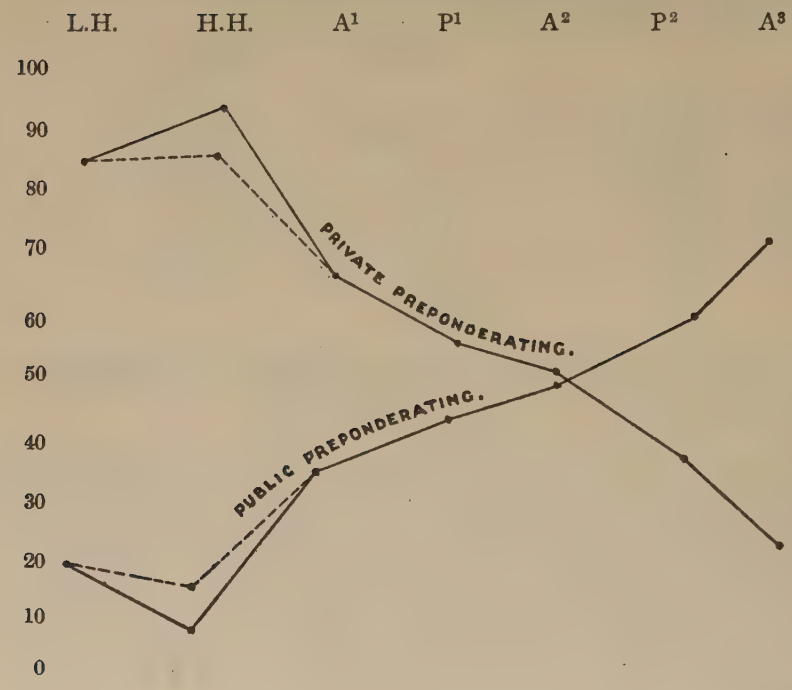
The figures are :—

	I.	II.	III.	IV.
L. H. ...	18½ (.40)	27 (.58)	1 (.02)	0
H. H. ...	38 (.62)	18 (.30)	2 (.03)	3 (.05)
Dep. H.	1½ (.17)	1 (.11)	5½ (.61)	1 (.11)
A^1 ...	14 (.48)	6 (.21)	3 (.10)	6 (.21)
P^1 ...	3½ (.28)	4 (.32)	3 (.24)	2 (.16)
A^2 ...	31½ (.35)	16 (.18)	20½ (.23)	21½ (.24)
P^2 ...	3 (.19)	3 (.19)	2 (.13)	7½ (.48)
A^3 ...	10 (.11)	15½ (.17)	27 (.30)	36½ (.41)

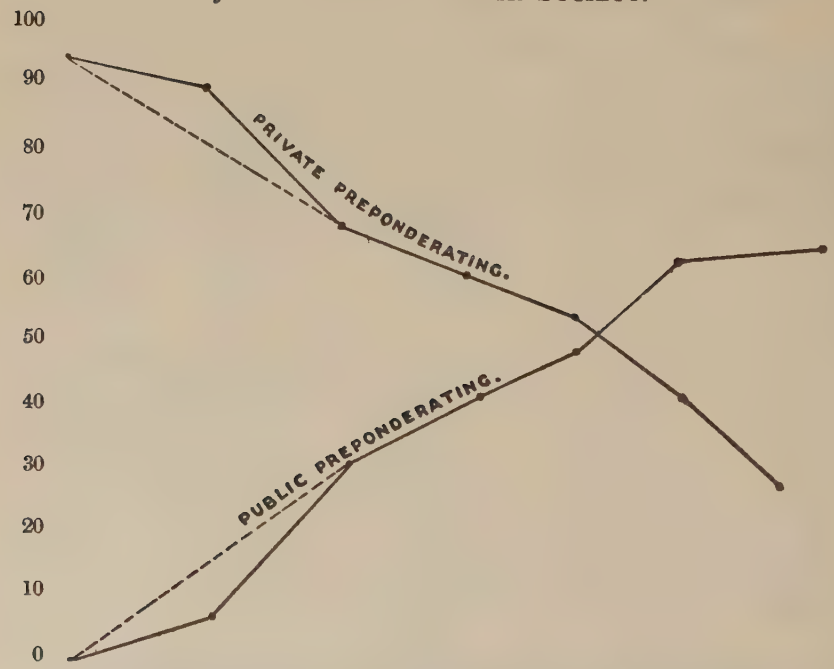
Combining Cols. I and II. and Cols. III. and IV. we have :—

	I. & II.	III. & IV.
L. H.	.98 ...	.02
H. H.	.92 (.84) ...	.08 (.16)
Dep. H.	.28 ...	.72
A^1	.69 ...	.31
P^1	.60 ...	.40
A^2	.53 ...	.47
P^2	.39 ...	.61
A^3	.29 ...	.71

JUSTICE IN THE SMALLER GROUP.



JUSTICE IN THE WIDER SOCIETY.



Dotted lines show the effect of including Dependent with Higher Hunters.

It will be seen in these tables that if we take the first two columns together there is a pretty uniform decline from the lowest to the highest culture, indicating a falling off in self-redress, while conversely, if we take the last two together, and still more if we take the last column alone, there is a nearly uniform increase, showing the development of public justice.

The only serious exception to this uniformity is the preponderance of the Lower Hunters in Col. II. This is due to the development in Australia of the method of mitigating vengeance by ceremonial encounter, etc. The Higher Hunters have also their method of mitigating vengeance, viz., composition. We have 25 cases of composition among those classes of Higher Hunters, 15 of which fell under Col. I. If we transfer these 15 from Col. I. to Col. II. we should have 23 cases in Col. I. and 35 in Col. II., nearly the same proportion for each column as among the Lower Hunters. We do not do this because composition does not suggest the same amount of Public Interference, but it is an alternative method of making peace.

The Australians, with no economic development, desire personal expiation as a method of avoiding vengeance. The American Hunters, of a slightly higher economic level, begin the practice of composition, which undergoes a material development in later stages.

As a still further test we have taken these four columns by continents in order to see whether the correlation repeated itself in all parts of the world. On this method some of the groups naturally are reduced to very small numbers, so that some irregularity is inevitable. Nevertheless, the correlation is clearly marked in each geographical division.

The figures are given in the following table :—

ASIA.

	I.	II.	I. and II. as Fraction of Total.		III.	IV.	III. and IV. as Fraction of Total.
L. H. ...	9	—	(1.0)	.....	—	—	—
H. H. ...	2	2	(.67)	.....	0	2	(.33)
A^1 ...	3	2	(.43)	.....	$1\frac{1}{2}$	5	(.57)
P^1 ...	1	3	(.80)	.....	0	1	(.20)
A^2 ...	$7\frac{1}{2}$	2	(.42)	.....	$8\frac{1}{2}$	$4\frac{1}{2}$	(.58)
P^2 ...	2	1	(.5)	.....	1	2	(.5)
A^3 ...	2	5	(.28)	.....	12	6	(.72)
Dep. ...	$1\frac{1}{2}$	1	(.78)	.....	$5\frac{1}{2}$	1	(.22)

AFRICA.

L. H.	2	—	(1.0)	.....	—	—	—
P¹	2	1	(.5)	.....	3	0	(.5)
A²	3	7	(.37)	.....	7	10	(.63)
P²	1	2	(.32)	.....	1	5½	(.68)
A³	4	9	(.24)	.....	16	25	(.76)

OCEANIA.

H. H.	—	1	—	.....	—	—	—
A¹	—	1	—	.....	—	—	—
A²	15	5	(.69)	.....	5	4	(.31)
A³	—	1	—	.....	—	—	—

NORTH AMERICA.

L. H.	3½	—	(1.0)	.....	—	—	(.01)
H. H.	29½	14	(.94)	.....	2	1	(.06)
A¹	7	1	(.89)	.....	1	0	(.11)
P¹	½	—	—	.....	—	—	—
A²	2	2	(.73)	.....	0	1½	(.27)
A³	2	0	(.27)	.....	0	5½	(.73)

SOUTH AMERICA.

L. H.	1	1	(1.0)	.....	—	—	—
H. H.	6½	1	(1.0)	.....	0	0	—
A¹	4	2	(.80)	.....	½	1	(.20)
A²	4	1	(.77)	.....	0	1½	(.23)
A³	1	0	(.5)	.....	0	1	(.5)

Considering the small numbers which these subdivisions reach, it will be seen that the correspondence with the economic grades is remarkably close. The only groups actually out of their order are the two Pastorals in Asia, consisting of five and six members respectively, A³ in Oceania consisting of a single member and P¹ in North America a single doubtful case. On the other hand, the Dependent Hunters are quite out of their place, and if combined with the other Hunters in Asia bring the Higher Hunters just to the level of A¹. With these exceptions the subdivision is singularly even, and while we should draw no inference from results resting on small numbers when taken by themselves, we may fairly say that the correlation indicated by the two previous tables does not depend on any single region. It is, on the whole, independent of regional influences, and extends to the whole area of survey.

To sum up. Of the Lower Hunters there are three main groups. There are forest tribes in the Malay region and Borneo and some

scattered tribes of similar life habits in Africa and South America. All of these appear to be of the nature of family groups, with very little organic relation to one another. The name of public justice is not really suitable in these cases, but it may be used for purposes of comparison and applied to those instances in which the older people keep internal order. Understanding it in this sense, we find that even within these little groups it is by no means regularly developed. There are cases of self-redress even in this primitive cell of the social organism. The next group is that of the Australians, where the primary groups are in some cases more extensive, and are loosely united in tribes; and here, too, there are many cases of self-redress within the group, as well as many of collective justice, though there are very few where public justice extends to the tribe as a whole. Lastly, there are the Californians and one or two North Americans, where the primary group is not clearly differentiated. Here again self-help predominates as far as our accounts go.

Of the Higher Hunters, far the largest number are to be found in North America, though there is also a sprinkling in South America. Here we can seldom differentiate the primary group from the little society, which is certainly more than a family group, as a rule, though perhaps less than a tribe. Throughout this area self-redress heavily predominates.

When we pass to peoples of higher culture we are, as a rule, dealing with something distinctly more than the primary group, though there may be some cases in which the contrary is true at the level of Incipient Agriculture, and this perhaps explains the somewhat high number of apparent cases of public justice or semi-public justice at this level. But, apart from these, our societies are now enlarged, and include at least a village, and often an aggregation of villages. Thus, as we ascend the scale, our social organisation is extending in two senses. First, in the most literal sense, it is including a larger population, with greater variety of groups within it. Secondly, it is extending in the sense of becoming more complete, taking on itself more and more the function of the redress of wrongs and the maintenance of order. But in appearance these two movements tend to some extent to counter one another. For order is first established, it would seem, within the little group, and then extends itself to the wider society, which contains several such groups. The consequence is, as already pointed out, that in the intermediate stages, where several groups are sufficiently alike to constitute a loose unity, we have retaliation as between them strongly developed, while the same relations between corresponding groups at a lower stage will be thought of rather as feuds or as war between separate societies than as juridical relations between members of the same society. When we guard against the difficulties

arising from this peculiarity we see that the sphere of the collective maintenance of justice, viewed as a whole, marks a steady advance from the primary group outwards. We see also that even within the primary group public justice advances upon the whole though less regularly with the advance in material culture in the tribes that we have before us, and we therefore seem justified in regarding pure self-redress as the initial stage of development, and public control as superimposed by successive stages upon that method of maintaining order. In corroboration of this view, it may be pointed out that in the Australian instances, which are the most notable of those where public control within the group is brought to bear upon private offences, the object seems clearly to be that of preventing the extension of blood vengeance. Thus in Queensland a man may avenge his own wrongs, but if he does serious injury to the offender the camp council inflicts equal injury upon him or sees that it is so inflicted. It acts in restraint, that is to say, of unauthorised aggression or of excessive vengeance. There is no question here of the suppression of homicide as such, for parents may put their children to death without question, and if a man kills his wife he only at most exposes himself to the vengeance of her relations. So again with the Yuin; deliberate murder of another man is punished, but if a man is avenging himself, no steps will be taken against him. The expiatory combats and the regulated fights of the Australians are also all of them palpably means of ending a quarrel, or marking a point beyond which it is not to go. They do not seek to punish a wrong but to arrest vengeance for wrong at a point which will save the breaking-out of a devastating fight.

The punishment of sacral and tribal offences has an important bearing upon these issues. Steinmetz and others have held that these are the first offences that were publicly punished, excepting in so far as public punishment has been adopted as a means of restraining vengeance. We have tested this theory by enumerating cases in which tribal offences are the only ones for which we have any evidence of public punishment and comparing them with the number of cases in which we have evidence of the punishment of private offences, but not of those which are tribal in character. The result is shown in the following table, which gives, in each grade of culture, the number of cases of public punishment (*a*) of tribal offences without others; (*b*) of others without tribal offences, and exhibits each number as a fraction of the total formed by the two. The numbers are small, so we have grouped (*a*) the two sets of Hunters,[1] (*b*) Agriculture[1] and the Lower Pastoral, and (*c*) the

1. The Dependent Hunters, as in other cases, stand outside the normal order, but even if we include them with the other Hunters we still have a preponderance of cases in which Tribal Offences alone are given as punishable.

Higher Pastoral and Higher Agriculture together. The result is to show that among the Hunters, the number of cases in which tribal offences alone are publicly punished is overwhelmingly greater than the number in which private offences alone are so punished, while in the higher grades the relation is reversed. This result seems to corroborate Steinmetz's view.

Public Punishment of Tribal and Private Offences.

	Tribal but not Private Offences Punished.		Private but not Tribal Offences Punished.
L. H.	3	.....	0
H. H.	11	.....	3
Dep. H.	0	.....	6
A^1	3	.....	5
P^1	0	.....	3
A^2	8	.....	17
P^2	0	.....	1
A^3	2	.....	14

Grouping which cultures we have:

H.	14	.....	3
Dep. H.	0	.....	6
A^1 and P^1	3	.....	8
A^2	8	.....	17
P^2 and A^2	2	.....	15

We should not interpret the cases in which private offences alone are tabled as punishable as meaning that in reality no sacral or public offences are recognised, but rather as implying that they have ceased to play the prominent part in judicial arrangements which they occupy among the Hunters, so that they pass unrecorded.

Methods of Punishment.

The various forms of punishment seen in our tables reveal three methods of dealing with crime. The first, treating it as an aggression to be revenged; the second, as a trespass (whether against an individual or the community or the gods) that may be atoned; the third, as something wrong that must be put down. It may be well to compare the numbers under each of the heads specially representing these methods. For the first we take the head of Retaliation only; for the second we combine Composition and Atonement, and we include under them the ceremonial and expiatory fights of the Australians. For the third we take Public Justice alone, eliminating cases of composition and atonement. We subjoin instances of the collective or vicarious principle which tends slightly to expand with the practice of composition. The results are:—

	Retaliation.	Composition.	Atonement.	Total.	Collective or Vicarious.	Public Justice.	
L. H.	44½	6	21	27	10	½	(.01)
H. H.	50½	25	1	26	10½	1	(.02)
Dep. H. ...	2½	2	0	2	0	1	(.11)
A[1]	17	14	1	15	9	3	(.10)
P[1]	9	10	0	10	5	2	(.16)
A[2]	59	43	8	50	17	13	(.14)
P[2]	8	9	1	10	5	4½	(.29)
A[3]	43½	49	13	61	34	21½	(.24)

Procedure.

Our information about procedure is somewhat scanty, particularly among the lower peoples. Here, wherever there is anything of the nature of public justice, our informants are generally satisfied with stating, for example, that, if the accused is found guilty, such-and-such a penalty is exacted. But what sort of enquiry is held, and by what means the guilt is ascertained, we are not informed. In Australia, indeed, the spear-throwing ordeal may be regarded as trial and punishment in one, but if we restrict the conception of a trial to something which must precede punishment, we shall omit this. There still seem to be four pretty clear, and one more doubtful, cases of something like an investigation mentioned among the Australians. With this exception, trials are hardly mentioned, until we reach the Agricultural stage, as shown in the accompanying table. The list would be very much enlarged if we included, under trial, all cases in which the use of an ordeal is recorded. We have not done this because an ordeal may be of the nature of a challenge between two parties, rather than the regular part of a procedure of a duly constituted court. On the other hand, it is probable that most of the cases of regular public justice really have trials, though they happen not to be mentioned in our authorities. Thus it is pretty certain that our table understates the extent to which judicial procedure advances in the higher stages. On the other hand, the figures as to ordeals and oaths show that the direction of this advance is towards the adoption of supernatural tests rather than of rational procedure. In this respect the higher barbarism resembles the archaic civilisation :—

	Trial.		Ordeal.		Oath.
L. H.	5	.....	0[1]	.....	0
H. H.	2	.....	1	.....	0
Dep. H.	0	.....	1	.....	0
A[1]	2	.....	3	.....	0
P[1]	1	.....	1	.....	1
A[2]	7	.....	26	.....	7
P[2]	6	.....	4	.....	3
A[3]	20	.....	35	.....	8

1. Australian spear-throwing ceremonies omitted.

Justice and Government.

Lastly, we have sought to investigate the relation between the development of justice and that of government in general. Our main difficulty here has been that government may be exercised by a council whose powers are often so loosely described that we have great difficulty in deciding whether they should be regarded as an original form of government or not. We have therefore ended by leaving the council out of the question and confining ourselves to the power of the chief alone. We have taken those cases in which the chief, whether of a smaller or larger group, is described as possessing real power, and we enter in the following table the number of cases in which a powerful chiefship is asserted at each grade in the development of justice :—

Correlation of Chief's Power and Justice.
Chief Powerful.

	Col. I.	Col. II.	Col. III.
L. H. ...	0	2	0
H. H. ...	$7\frac{1}{2}$	2	2
Dep. ...	0	3	1
A^1 ...	1	3	3
P^1 ...	1	1	1
A^2 ...	5	9	13
P^2 ...	1	$\frac{1}{2}$	7
A^3 ...	2	16	27
Total ...	$17\frac{1}{2}$ (.16)	$36\frac{1}{2}$ (.34)	54 (.50)

The result is to show a certain correlation, but not so much as might have been anticipated *a priori*.[1] It must, however, be

1. In some cases it is clear that, notwithstanding the despotic power of the king, he does not exert himself to suppress vengeance. Thus, among the Baquerewe (Hurel, *Anthropos*, vi, p. 94), it is distinctly stated that the king has nothing to do with justice and that the blood feud is in full vigour. More often we find the chieftainship struggling to exert its power in the suppression of disorder, thus Dorsey (*op, cit.* p. 370) speaks of punishments for drunkenness inflicted by the chief of the Omaha, but Fletcher and La Fleche (*Smiths.* xxvii, 619) show that this was due to the efforts of a single half-breed chief, and was in the end tolerated by the tribe. Among the Creeks Caleb Swan, at the end of the 18th century (*Schoolcraft*, v, p, 281), describes the introduction of whipping for horse-stealing, by a chief named McGillivray, presumably either a white man or a half-breed, who appears to have had some power as he is said to have appointed young men to punish whom he would, but yet was afraid to decide disputes for fear of vengeance. As to the whipping, Swan adds that " as in other cases " the punishment depends " at last " on the superior force of the injured clan.

remembered that we are only dealing with one organ of government, and if we were to ask how far does the general organisation of government affect the organisation of justice, the answer would certainly be: more closely than this table shows, but how much more closely we have not the means of telling in numerical terms.

Upon the whole matter we conclude that, both in extent and in internal quality, the development of social order is roughly correlated with advance in economic culture. The lowest societies are very small, and even within the smallest groups there is very often no provision for the maintenance of justice. As we advance from the Lower Hunters, we get always larger societies, and by degrees provision for the maintenance of justice within these extended groups. At our highest point we get a large proportion of the cases in which public justice is fully developed over the whole of an extensive group, and this brings us to the threshold of civilised order just as economically we have come to the point at which civilisation is usually held to begin.

APPENDIX A.

Government of Secondary Group.

The peoples to whom the numbers in the text, p. 52, refer are :—

Lower Hunters :—Group I : Yerwaka and Yantrawanta, Powell's Creek, ? Kulin, ? Yuin, Miwok. Group II : Gournditchmara,. Group III : Dieri. Group V : ? N. Queensland, ? Mycoolon, Euahlayi, N. Australians.

Higher Hunters :—Group I : Seri, Montagnais (33), Unalashka Aleuts, Lillooet, Halokmelen, Lkungen, Haida, Kwawiutl, Kootenay, Klamaths, Yurok, Yokuts, Aucas, Puelches. Group II : Blackfeet, Kiowa (27), Similkameem, Italmen, Tehuelches. Group III : Tsimshian, Nootka, Shastika. Group V : Bellacoola.

Dependent Hunters :—Group I : Bataks of Palawan (36), Yanadi. Group III : Korwa. Group V ; Bhuiyar, Chenchu (34).

Agricul. I :—Group I : Mohave, Delaware (29). Group II : Lushai (41), Mantra. Group III : Iroquois (28), Huron, Ojibways. Group IV : Santals.

Pastoral I :—Group I : Beni Amer, Wambugu, Kurds of Eriwan, Aeneze. Group II : Dinka, Shasewenses (37). Group II : Ovaherero, Batauana, Colonial Hottentots, Khoi Khoin.

Agricul. II :—Group I : Kandhs, Kaupui Nagas (some), ? Lendu, Banaka and Bapuku, Fang, Niam Niam, Mayombe, Bageshu, Bakongo, Creeks (30), Pawnees, Illinois, Marshall Bennett Islands, ? Ambrym, ? Mowat, other Caroline Islands, Rotumians. Group II : Chakma, Kolya Nagas, Bororo, Chiriguano, Yonca and Boni, Bali, Azande, Adio, Azimba, Maravis, Angoni, Latuka, Monbuttu, Mangbetu, Waheiei, Wadoe, Natchez, Koita, Wagap, New Caledonia, Maoris, Tongans, Rarotongans, Hawaians, Tahitians, Fijians. Group III : Land Dyaks, Khonds, Bangala, Bayanzi, Gallinas, Warega, Wyandots, Gilbert Islands, Samoans. Group IV : Wambugwe Group V : Kharwar, Majhwar, ? Torres Group.

Pastoral II :—Group I : Wataturu, Bogos, Kazak Kirghiz (42). Group II : Danakil, Bahima, Makololo, Baquerewe, Altaian Kalmucks, other Kalmucks. Group III : Somal. Group IV : Bechuana, Ama Xosa, Gallas (some).

Agricul. III :—Group I : Ossetes (formerly), Nias, Alfures, Achinese and Pedirese, Javans, Pima, Kuku (46), Wakikuyu, Bahuana (formerly), Basonge, Ababua, Jekris, Marea. Group II : Kasias, Suanes, Battas, Maguindanaos, Khiva, Apalachites, Zapotheks (formerly), Marutse, Ondonga, Banyoro, Bukoba, Nandi, Wasinja, Washambala, Basoga Batamba, Wafipa, Bihenos, Cazembe, Bayaka, Bushongo, Waniamwesi Bamsalala, Baganda, Lunda, Kimbunda, Baronga, Ewe (49), Tshi, Yoruba, Geges and Nagos, Diakité Saracolays, Warundi, Bambara, Foolah, Segoo, Benin Natives, Nossi Bé. Group III : Some Kayans, Kenyahs, Passumahians, Malays of Padang, Pueblos of New Mexico (31), Akamba, Wapare, Bawenda, Fiote, Amahlubi, Guatemala. Group IV : Kayans of Mendalam, Kayans of Mahakam, Badagas, Balinese, Basutos, Alur, Wachagga, Yao, Wagogo, Calabar. Group V : Padam Abor, Singkel (dep.). Mbengas.

APPENDIX B.

Tables indicating Methods of Maintaining Order and Redressing Wrongs in the Simpler Societies of each Economic Grade.

LOWER HUNTERS.	Retaliation and self-help	Composition	Collective or vicarious	No law	Crimeless	Regulated fight	Private justice controlled	Private justice assist
(8) Swan River	+							
(15) N.W.C. Queensland	+		+				+	
(7) Bungyarlee	+							
(10) Dieri	+		+					
(9) Bangarang	+		E +					
(22) Narrinjerri	+							
(2) Kaiabara	+					+		
(2) Maryborough	+?E					+		
N.S. Wales (Some)	+					+		
(20) Kamilaroi	+		+					
(5) Geawegal								+
(6) Euahlayi	E							
(19) Rose Bay	+		+					
(Namoi R.)	+		+					
Powell's Creek	E							
(3) Port Lincoln	+					+		
(16) Port Darwin	+		+					
(14) Tongaranka	+							
(2) Turrbal	+					+		
(12) W. Victoria	+		+					
(13) Kurnai	+		+					
(24) Waimbio	+							
(2) Wiradjuri	+							
(8) Perth & W. Australia	+		+			+		
(2) Wotjobaluk	+							?
Yarra Yarra								
(2) Wurunjeri	+							
Wudthaurung	+					+		

NOTE.—The headings are fully explained in the text, pp. 54 to 61.

nes ble	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Expiatory combat
	+							+	+				+
	+	?			+				Formal				
				+									+
	+	+							+				+
													+
	+	+						+					+
	+	?		+									+
	+								Formal				Private
	? Cere												+
													+
	+												+
													+
													+
	+												
													+
	+	+							+				+
													+
	+												Private
	+												
													+
													+
	+												
													Private

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crimeless	Regulated fight	Private justice controlled	Private justice assisted
(2) Yuin	+							
Gringai	+							
Chepare								
(11) C. Australians	+							
(11) N. Australians	+							
Ngeumba	E+		+					
(17) Kabi and Waaka						+		
(18) Herbert River	+					+		
Tasmanians						+		
(1) Adelaide	+							
(23) Buntamurra	+							
Watchandee	E+		E+					
Ngurla								
Newcastle Tribes	E							
Whayook								
Ballardong	E							
Koynup and Etecup								
Yerkla Mining						E+		
Warburton River	E							
Milya Uppa								
(21) Belyando River	+					+		
N. Queensland	+						+	
(4) Riverina	+							
(4) Some Murray R.	+					+		
(8) King George's Sound	+			+				
Shoshones	+							
Lower Californians	+							
Patwin	+							

nes able	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Expiatory combat
	+	+						+					+
	+		+										+
	+												
	+												
	+												
	+		+										
													+
													+
													Private
													Private
													Private
	+							+	+				+
		+							+				
	+	+											
				+									

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crimeless	Regulated fight	Private justice controlled	Private justice assisted
Miwok	? +							
Botocudos	+					+		
Fuegians	+							
Batua	+							
Bushmen	+							
Kubu (Wild)				Family Group		? +		
(44) Semang				Do.				
(44) Sakai				Do.				
Andamanese	+			+				
(39) Negritos of Alabat				Family Group				
(39) Negritos of Angat				Do.				
Bumagat Negritos	+			Do.				
Punans	E		–	Family Group	?			
Veddas				Do.				
HIGHER HUNTERS.								
Topanaz	+		+					
Guaycurus						+		
Charrua	+							
Tehuelches	+							
Pampas	+	+	+					
Puelches	?	?	?					
Abipones	+							
S. Chaco	+							
Zaparos	+ ? E							
Kedah Semang								
Perak Sakai		+						+
Manobos	+		+					

es le	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
					+ ?			?+					
					+								
					+		+ ?	+					

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crime-less	Regulated fight	Private justice controlled	Priv just assis
Ghiliaks						+		
Tuski				+	?			
(38) Italmen	+							+
Ostyak								
Halokmelen								
(27) Similkameen	+	+						
Klamaths S.W.Oregon	+							
Karok	+	+						
Hupa	+	+	+					
Blackfeet		+						+
Etechemins	+	+						
Montagnais	+	+	+					
Micmacs	+	+						
Assiniboins	+	+						
Seri								
Comanche	+	+						
Apache	+							
Kiowa	+							
Omaha	+	+	+				+	
Luisenos				+				
S. Californians	+							
(26) Carriers	+							
Kelta		+						
Petawet		?						
Yuki	+							
Pomo								
Shastika	+	+						+
Nishinan	+							

es ble	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
					+								
					+				+				
					+								
			?										
												+	
					+								
	+												
					+								
					+								
					+								
	+							+					
	+												
	+												
				+	+								
				?	+								
					+								
	+	?											
	+												

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crimeless	Regulated fight	Private justice controlled	Private justice assist
Yokut								
Makh el Chel								
Gallinomero		+					+	+
Western Eskimo						+		
Behring Straits Do.	+							
Central Eskimo	+	+				+		
Greenland Eskimo	+					+		
E. Labrador Eskimo	+							
(33) Oonalashka Aleuts								
(33) Atkha Aleuts	+		+					
Koniaga				+				
Chepewayans	+					+		
(25) Loucheux	+		+					
(25) Kutchin	+							
Kenay	+							
(26) Tsekhene	+							
(26) Chilcotin	+							
(26) E. Nahane	+							
(26) W. Nahane	+							
Thlinkeet	+	+	+					
Lillooet	+	+						
Tsimshian	+	+						
E. Shushwap	+							
W. Shushwap	+							
Bellacoola			+					
Lkungen	+	+						
Kootenay	+	+						
Kwakiutl	+							

Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
+												
+												
			+									
			+									
			+									
						+		+				
				+								
				+								
+												
+												
+												

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crime-less	Regulated fight	Private justice controlled	Private justice assisted
Nootka - - -	+	+						
Haida - - -	+	+						
Thompson River -	+							
Yurok - - -	+	+						
Kauralaig (Torres Straits) - -	+							
DEPENDENT HUNTERS.								
Bhinyar - - -								
Beriya - - -								
Korwa - - -								
(34) Atkwar Chenchu								
Nundail Chenchu	?							
Nicobarese -	+	+						
Bonthuks -								
Korumbus - -								+
(36) Bataks of Palawan -	+	+					+	+
AGRICULTURE INCIPIENT.								
Yanadi - - -								
Dakota - - -	+	+						
Hidatsa - - -	+							
Iowa - - -	+	+						
Algonquins of Quebec	+	+	+					
Huron - - -	+	+	+					
(28) Iroquois - - -	+	+	+					
(29) Delaware - - -	+	+	+					
Abnaqui - - -								
Ojibway - - -	+	+	+					+
Lengua - - -					?			
Yuracares - -						+		
Mattacco - - -	+							

s le	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Primary group: Regular	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
	+											
	+											
				+	+							
		M										
		+										
		M										
							+					
				+								
		+			+						+	
									+			
			+									
				+								
	+											
	+											
	+											
	?	+										
	+	+						+				
							?					

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crimeless	Regulated fight	Private justice controlled	Private justice assist
Ipurina - - -	+							
British Guiana - -	+		+					
Paravilhana - -								
Mataguayos - -	+							
Karayaki - -	+							+
Paumaris - -					+			
Western Torres Strts.	+							
(41) Lushai - - -	+						+	
(35) Negritos of Zambales		+						
Bheels - - -	+	+	+					
Manobos of Agusan -	+		+					
Zambales or Tinos -	E	+	+					
Bygas - - -								
(44) Jakun - - -								
Paniyans - - -								
Arunese - -		+						
Mantra - - -								
Orang Bukit - -		+						
Ainu - - -								
Lepchas - - -								
Santals (Some) -								
(44) Kedah Semang -								
(44) Perak Sakai - -		+						+
(44) Central Sakai - -								
Candios - - -		+		+				
Veddahs - - -				Family Group				
PASTORAL Kurds of Eriwan -	+	+						

	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Primary group: Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
		?					?						
					+								
				+	+								
		+											
					+								
					+								
							+						
		M			+								
							+						
					+								
					+							+	
							+		+			+	
		M			+								
	+	+ ?						+					
							+						
							+						
					+							+	
				+	+								

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crimeless	Regulated fight	Private justice controlled	Private justice assist
(37) Shahsewenses	E	+						
Aeneze	+	+	+					+
Ostyak								
Chewssures	+	+	+					
Bilochs	+	+	+					
Navaho				?				
Ova Herero	+		+					
Batauana								
Dinka	+	+	+					+
Beni Amer	+	+						
(49) Masai	+	+						
Colonial Hottentots	?							
Khoi Khoin	?							
Wambugu		+						+
Mundombe		+						
AGRICULTURE.								
Maoris	+	+	+					
Rotumians		+						
Tongans								
Raratongans								
Hawaians	+							
Tahiti	+							
Fiji	+							
Samoa	+	+					+	
Marquesas				+				
Savage Islands	+							
Florida								
Saa								

Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Primary group: Regular	Primary group: With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
						+					
					−					+	
				+							
				+							
						+					
						+	+				
				+							+
			?								
			?								
						+					
						+		+	+		
				+							
						+		+			
						+					
						+					
						+				+	
+			+								
						+					
			+								
	+							+	+		
				+						+	

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crime-less	Regulated fight	Private justice controlled	Private justice assiste
Roro - - -								+
Koita - - -	+	+						
Wagawaga & Tube-tube - - -	+	+						
Bartle Bay - -	+	+						
Trobriand Islands -	+							
New Caledonia -								
Torres Group - -	+							
Gazelle Penin. (N.E.)	+	+						
Gazelle Peninsular -	+	+						
Sulka (New Pomm.)	+	+						
Moanu (Admiralty Islands) - -	+							
Motu (New Guinea) -	+							
Mowat - - -	E							
Bogadjim - -	E							
Mafulu- - -	+	+						
Jabim - - -	+							
E. Torres Straits	+							
Marshall Islands (Nauru) - -	+	+	+					
Pelew Islands - -	+	+						
Gilbert Islands -								
Bangala - - -	+	+	+					+
Bali Tribes - -	E							
(45) Mundombe - -		+						
Azande - - -	+	+						+

es ble	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Primary group: Regular	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
					+							
					+							
		+										
					+							
					?		?					
				+								
	+	+										
					+							
	+											
							?					
					+			+			+	
							+					
							+				+	

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crime-less	Regulated fight	Private justice controlled	Private justice assist
Adio	+	+	+					
Tuchilange								
Baquiri	+	+						
Mandja	+	+						
Bondei		+	+					
Azimba		+						
Wawira		+						
Maravis	+	+						
Angoni								
Latuka								
Wafiomi	+	+						
Quissama	+							
Kunama and Barea	+	+	+					
Bayanzi	+	+	+					
Banaka and Bapuku	+		+					+
Yaunde	+	+	+					+
Fang	E	+	+					
Gallinas								
Mayombe								
Mangbetu		+						
Wambugwe	+							
Waheiei	+	+					+	
Bageshu	E	+	+					
Warega	+	+						
Wadoe								
Baluba								
Bakongo								
(49) Massai	+	+						

s e	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
							+		+	+		+	
							+					+	
							+		+			+	
							+					+	
												+	
							+		+			+	
							+	+		+	+		
							+					+	
							+					+	
							+			+	+	+	
					+								
					+				+				+
							+			+			+
					+							+	
					+								
					+								
							+					+	
							+					+	
	+	+									+		
							+						
							+					+	
		+							+			+	
+							+			+	+		
							+						
												+	
				?									

	Retaliation and self-help	Composition	Collective or various	No law	Crimeless	Regulated fight	Private justice controlled	Private justice assisted
Wyandot	+	+					+	+
(30) Creek	+		+				+	
Pawnee								
Illinois				?				
Carib	+							
(32) Tarahumare *								
(32) Tepehuanes *								
(32) Huicols*								
Papago	+							
Sambioa	+							+
Uaupe	+							
Chiquito	+							
Chiriguano								
Miranda	+							
Campas	+							
Ges								
Youca and Boni								
Tapuyas					+			
Chakma								
Paharias	E							
Kandhs	+	+				+		
Tagals			+					
Subanos	+							
Kharwars								
Kols								
Majhwar								
Dhimals								
Nicobarese	+	+						

es ble	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
	+	+					+	Private					
	+												
							+						
							+						
							+						
					+								
	+												
				+									
							?						
							+						
	+	M					+				+	+	
		+			+							+	+
	+				+								
							+						
		M	+										
		M											
		M											
		+											
	+			+									

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crimeless	Regulated fight	Private justice controlled	Private justice assist
Enganese								+
Arunese								
Flores								?
Bajdus				+	+			
Boksas (Dep.)								
Calingas	+	+						
Kachari (Bodo)								
Limbus & Karantes								
Pani-Kocch								+
N. Aracan Group	+	+	+					
Tharu								
Tharu of Bengal								
Land Dyaks								
Khonds	+	+	+					
Kolya Nagas	+							
Dodonga					+			
Sea Dyaks	+	+						
Pathan	+							
Kei	+	+						
Muruts	+	+						
Bontoc								
Kaupui Nagas	+	+						
Kiangans	+		+					
PASTORAL. +								
Somal	+	+						
Danakil								
(48) Beduan		+						
Bahima								

Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Primary group: Regular	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
						+		+			
						?					
				+							
+											
+											
	M										
										+	
				+						+	+
				+							
						+					
	+			+						+	+
						?				+	
						?+					
						+				+	
		+									
						+	+			+	
						+					
			+								
						+				+	

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crime-less	Regulated fight	Private justice controlled	Pri jus ass
Makololo								
Bechuana								
Ama Xosa		+						
Wataturu		+						
Bogos	+	+	+					
Gallas	+	+	+				+	
Baqerewe	+							
Midhi	+							
(42) Kazak Kirghiz	+	+					+	
(40) Yakut	+	+						
Altaian Kalmucks								
Turcomans	+	+						
Kalmucks								
Araucanians	Formerly	+	+					
AGRICULTURE. +								
Kasias								
Kayans	?	+						
Kayans of Mendalem	+	+	+ E					
Kayans of Mahakam	+	+	+ E					
Kenyahs	?	+						
Ossetes	+	+	+					
Miris				?				
Suanes (Free)	+							
Suanes	+							
Bagobos	E	+						
Garos	+		+					
Igorottes	E	+	+					
Angani Nagas	+							

Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
						?						
						+			+	+		
						+						
						+			+	+		
				+				+				+
				+				+			+	
						+		+	+	+		+
						+		+				
				+								
						+		+	+		+	+
						+		+				
						+					+	
					+	+			+	+		
					−	+			+	+	+	+
					−	+			+	+	+	+
					+	+			+	+		
						+	+					
				+								
						+		+				
											+	
	+											

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crimeless	Regulated fight	Private justice controlled	Pr ju ass
Sonthals								
Badagas								
Battas of Sumatra		+	+				+	+
Tjumba					+			
Makassares		+	+					
Bugis		+	+					
Padam Abor								
Maguindanaos								
Singpho	+	+	+					
Singkel								
Nias	+	+	+					
Passumahians	+	+	+					
Khiva								
Balinese						+		
Daians								
Malays of Padang	+	+				+		
Java	+					+		
Tinguianes		+						
Adighe or Tscherkasses	+	+						
Munda Kols								
Timorese	+	+	+					
Hopi				+				
Pima	+							
Sia								
Zuni								
Zapotecs								
Guatemala			+					

	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
		+			+								
							+				+		+
									+				
						−	+						
							+						
				+	+							+	
							+						
							+		+	+	+	+	+
					+				+				
							+						
							+		+				
												+	
							+			+	+		
							+		+				
		+									+		
	+	M										+	
				+									
	+						?						
							+						
							+						
							+						

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crime-less	Regulated fight	Private justice controlled	Priv just assis
Apalachites - -								
(31) Pueblo or New Mexico - -								
Marutse - - -								
Ondonga - -	+	+						
Banyoro - - -	+	+						
Bukoba Natives -	+							
Basutos - - -		+						
Alur - - -								
Takue - - -	+	+						
(50) Nandi - -	+	+	+					
A-Kamba - -		+						
Warangi - - -	+	+	+					
(46) Kuku - - -	+	+	+					
Wasinja - - -								
Waschambala -	E	+	+					
Wakikuyu - -	+	+	+					
Wapare - - -		+						
Duallas - - -	+							
Marea - - -	+	+	+					
Amahlubi - -			+					
Wafipa - - -								
Sereres - - -					?			
Fanti - - -			+					
Mbenga - - -								
Wachagga - -	+	+						
Bihenos - - -								
Indikki - - -		+						

Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Regular	Primary group	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
						+						
						+						
						+		+			+	
						+		+	+			
+	+									+		
						+				+		
				+		?+						
						+			+	+		
												+
+											+	
						+					+	
											+	
				+								
						+						
						+		+	+	+		+
						?						
						+			+	+	+	
						+		+	+	+	+	
								+				
						+			+	+		
						+						
				+								
									+	+		
								+	+			
						+			+	+	+	
						+			+			
	+										+	

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crime-less	Regulated fight	Private justice controlled	Priv just assis
Cazembe								
Kilwa		+						
Basonge		+						+
Ababua	+	+						
Ba-Yaka	+							
Bushongo								
Ba-Huana			+					
Bambala		+						
Yao	+	+	+					
Basonge Meno	+	+						
Wapokomo	+	+	+					
Waniamwesi	+	+						
Wasiba	+		+					
Anyanza		+	+					
Bamsalala	+	+	+					
Wagogo	Formerly	+	+					
Baganda	+							
Kimbunda			+					+
Baronga								
Bawenda			+					
(47) Ewe Peoples	+	+	+					+
Tshi Peoples	+	+	+					+
Yoruba								
Geges & Nagos								
Jekris		+						
Diakite Saracolays	+	+	+				+	+
Warundi	+	+						+
Fiotes								

s le	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Primary group: Regular	Primary group: ?	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
							?						
							+						
					+				+			+	
							+					+	
-							+						
							+		+				
-							+			+	+	+	
-					+		+	+				+	
-							+					+	
		+								+	+	+	
							+		+	+	+	+	
							+					+	
+							+			+	+		
							+						
					+							+	
							+		+			+	
+							+						
							+				+	+	
							+		+			+	
	+											+	
	+											+	
							+					+	
							+					+	
									+				+
									+				
+													

	Retaliation and self-help	Composition	Collective or vicarious	No law	Crimeless	Regulated fight	Private justice controlled	Priv just assis
Foulah - - -								
Segoo - - -								
Calabar - - -								
Benin Natives - -			+					
Nossi-be & Mayotte -	+		+					
Bambaras - -								
Noerforesen - -	?	+						

s le	Public punishments tribal and sacral offences	Public punishments some private offences	Unstated	Occasional	Arbitration	Executive	Primary group: Regular	With trial	Fine to aggrieved party	Fine to the Court	Ordeals	Oaths
							+					
							+					
							+				+	
							+				+	
+							+		+		+	+
							+					
	+				+						+	

APPENDIX C.

Detailed Classification of Socities in Respect to Methods of Justice.

In order to draw up the Lists on which our Tables of Justice in the text (pp. 68-9 and 72-3) are based it was necessary to consider the Lower Hunters, and particularly the Australians in some detail. Their classification presents great difficulties, statements being often very vague and ambiguous in interpretation. In many instances we have general references to self-redress which do not make it clear whether it would be exercised upon (*a*) members of the same group, (*b*) of the same tribe but another group, (*c*) only on those of another tribe. Then, again, self-redress may be mentioned in reference to particular offences, such as abduction, but we do not feel justified in regarding it as a regular institution, particularly as homicide, in the form of killing an adult male, seems often to be treated as a public matter, whereas others are private. Then, again, regulated fights and expiatory combats may involve more or less of public interference. We have therefore distinguished cases :—

(*a*) Where self-redress is alleged in general terms.

(*b*) Where it is alleged of certain offences, but homicide not being mentioned, it may be that the most important are not included.

(*c*) Where homicide, at least of an adult male, within the group is definitely stated to be " publicly " punished.

(*d*) Where there is revenge or self-redress as between groups of the same tribe.

(*e*) Where revenge is mentioned without any differentiation in the account as between fellow-tribesmen and others.

(*f*) Where the only vengeance mentioned is outside " the tribe."

(*g*) Where an expiatory combat occurs. Under this head we have where possible distinguished instances in which submission is said to be definitely enforced, and those in which it is merely said to be the " custom." The former we have regarded as cases of public assistance, the latter not.

Having considered these points we draw up lists for Justice within the group, excluding from our first column cases in which it is not clear that the retaliation described by our authorities is exercised on members of the same group, but taking any form of self-help and retaliation as between individuals or kinsfolk as a ground of inclusion, and regarding regulated fights as a restricted form of retaliation. Any collective interference beyond the regula-

tion of a fight overrules the general practice of retaliation and places the tribe in the second column.[1]

We thus arrive at the following provisional list for justice within the group:—

JUSTICE WITHIN THE GROUP.[2]

(Australia.)

Col. I.	Col. II.
Herbert River (2).	Yuin (3 ?).
Wakelbura (2).	N. Queensland (3).
Port Lincoln (2).	N.W.C. Queensland (3).
Swan River (1).	Dieri (2).
Bangerang (2).	Some Murray River Tribes (3).
King George's Sound (1).	Narrinyeri (3).
Perth and W. Australia (2).	N.S. Wales tribes (2).
Tongaranka (1).	W. Victoria (?3).
Kurnai (2).	Riverina (2).
Kabi (2).	Rose Bay (2).
Turrbal (2).	Geawegal (3).
Adelaide (2).	Kamilaroi (2).
	?Wotjobaluk (2).
	? Yerkla Mining.
	? Watchandee.
12	13½

(1) (2) (3) The number in brackets after any name gives the column to which it belongs in Classification B. (Text, p. 71). The Watchandee and Yerkla Mining are omitted from Classification B. because the references do not enable us to distinguish retaliation proper from "External Retaliation."

1. There are two or three cases in which the only sign that we have of any such interference is that all the men of the camp join in the pursuit of an eloping couple. Here the abductor may be and most probably is some one from another group, and those in the camp are not necessarily the whole local group, but the friends and relatives who are living together. These cases are queried under col. ii.

2. In drawing up this table we have omitted 3 N.S. Wales tribes from Col. i. The specific accounts of them suggest retaliation and self-help alone, but it is possible that Fraser's general account of New South Wales, which asserts some public assistance within the group, might apply to them. For the same reason the Wudthaurung are omitted, as covered by Dawson's description of West Victoria. Two possible additions to Column ii are the Kaiabara and the Narrangi. Of the former Howitt, (p. 353), says that if two men quarrel about a woman the tribe does not interfere if they are of the same class, but if they are of different classes it does so. This might be to keep the peace between the classes, or it may mean merely that one class has a superior right by the marriage laws of his tribe, but it has nothing to do with the redress of wrongs, nor is there evidence of any sort of judicial proceeding. (It should be noted that J.

The list, reduced as it is, includes doubtful cases on each side. The twelve tribes in column 1 include all cases in which self-help is alleged and no public interference is alleged. But in some of these cases homicide is not mentioned, and homicide in many groups is what is publicly punished. Now, we have numerous accounts of revenge for homicide, but unfortunately few make it quite clear whether it would be exercised on a member of the same group or tribe. In a few instances, however, it is explicitly stated that revenge is a purely personal or party matter, and in others this is the only reasonable interpretation of our authorities. We therefore make a second list, in which column 1 is confined to these cases, all more doubtful ones being discarded. At the same time, we exclude cases of doubtful reference from column 2, viz. (1) The three instances in which the pursuit of eloping lovers is the only public interference alleged. (2) Rose Bay, in which the nature of the ordeal and the means of its enforcement are not free from ambiguity.[1] (3) "Some Murray River" tribes and Riverina, which are of doubtful interpretation.[2] This leaves us the following table:

Column I.	Column II.
Wakelbura.	Yuin.
Port Lincoln.	N. Queensland.
Swan River.	N.W.C. Queensland.
Bangerang.	Dieri.
King George's Sound.	Narrinyeri.
Perth and other W. Australia.	Kamilaroi.
Kurnai.	Other N.S. Wales tribes.
Adelaide.	W. Victoria.
	Geawegal.
8	9

1. From Collins' account (*Hist. N.S. Wales*) it is clear that there was in fact a great deal of indiscriminate murder, and spear-throwing appears partly as a ritual and partly as an escape from serious vengeance rather than as punishment.

2. See note at end of chapter.

Mathew describes the Kaiabara as no more than a family group.) The Narrangi are described by Huhn (in *Woods*) under the name of the Turra, and he says that the "class" punished adultery with death. But it is impossible to make out what his class really was, as his account of classes is incompatible with that of Howitt, who also assigns a perfectly different basis for the law of marriage, and makes no mention of the punishment of adultery. (Pp. 67, 258, etc.) For murder, trials in the form of the usual spear-throwing ordeal are mentioned among the Euahlayi by Mrs. Parker (p. 92), but the account refers only to cases of magic.

For considerations bearing on other tribes see notes at end of Appendix.

Turning now to Justice within the wider society, we still have considerable difficulty in many individual cases. But fortunately we can be sure of enough instances to determine what is the preponderant system. The first point is to decide on the value to be attached to Regulated Fights or Expiatory Exposures of a member of one group to spear-throwing by another. Now, regarded as an affair between groups, the latter institution rests on vengeance, and is a party matter. It is either for the man himself or his group to decide whether he shall stand the ordeal, and the ceremonial combat is, in fact, always in danger of expanding into a fight between the parties. A concrete case among the Mukjarawaint branch of the Wotjo people will illustrate most of these points.

"When a serious offence occurred and the offender belonged to some one of the other local divisions, the custom was to send a messenger (Wirri-gir) to call on him to come forward and undergo punishment. In such a case, if he were a man of consequence, or if the affair caused much feeling among the people, all the totemites of each of the men assembled under their respective Headmen at the place agreed on.

Such a case occurred at the Mukjarawaint tribe, and was reported to me by a man of the Garchuka totem, whose brother and maternal grandfather had for some matter of personal offence killed a man of the black snake (Wulernunt) totem. They speared him at night, when sleeping in his camp, and escaped, but were seen and recognised by his wife. The relatives of the deceased sent a Wirri-gir to the offenders, telling them to look out for themselves and be prepared for revenge. A messenger was sent in reply saying that they should come with their friends, and that they would be prepared to stand out and have spears thrown at them. There was then a great meeting of the respective totems, the Garchuka being that of the offenders and the Wulernunt that of the avengers.

Having met as arranged, at the time and place fixed, with their respective kindreds, the Garchuka Headman stood out between the opposed totemites and made a speech, calling upon his men not to take any unfair advantage in the encounter. Then he appointed a spot near at hand where the expiatory encounter should take place that afternoon, it being agreed that so soon as the offenders had been struck by a spear the combat should cease. Then the offenders stood out, armed with shields, and received the spears thrown at them by the dead man's kindred, until at length one of them was wounded. The Headman of the Garchukas then threw a lighted piece of bark, which he held, into the air, and the fight ceased. If it had been continued there would have been a general fight between the two totems."[1]

Now, such cases differ in detail from tribe to tribe. We may well suppose that the challenged group may bring pressure on its accused members, and so far they assist punishment. But as between the groups it is a party affair unless and until the groups take combined action or the whole tribe intervenes. We find a transition to this stage among the Narrinyeri, and perhaps in West Victoria. Other-

1. Howitt, *Native Tribes of S.E. Australia*, p. 334 seq.

wise there is in these proceedings nothing really comparable to the submission of an offender's case to an impartial authority. Yet processes clearly of the same kind are sometimes spoken of as "trials." [1] A further difficulty is to determine whether vengeance for death is exercised on other groups within the tribe. Owing to the vagueness of the use of the term we have had to leave out of account many cases where there is probably no limitation intended. We include cases where relation between groups is specifically mentioned, or is exercised on those with whom intermarriage or other social relations are habitual.

On this basis we draw up the following list :—

Column I.	Column II.
Adelaide.	Narrinyeri.
Bungyarlee	W. Victoria.
Bangerang.	Geawegal.
Wotjobaluk.	Dieri.
Tongaranka.	N. Queensland.
Maryborough	
Kamilaroi.	
Wiradjuri	
Port Lincoln.	
Kurnai.	
King George's Sound.	
Swan River.	
Perth and other W. Australians.	
Wurunjerri	
Yuin.	
Wakelbura.	
Turrbal.	
N.W.C. Queensland.	
18	4

These lists, it will be seen, can only be taken as rough approximations. It is practically impossible to draw up a list of Australian tribes to which the nomenclature of different writers can be accurately and systematically applied. Nor is it possible in all cases to interpret with certainty the meaning of their accounts,

1. There is nothing to show that the " trials " described by Beveridge among the Riverina peoples, or punishments mentioned by Le Souëf among some Murray River tribes, really differed from this type.

particularly when they speak of trials. The evidence on which we include a case under column 1 is necessarily negative and inconclusive. It is possible that in every case there would be some collective action by the old men. On the other hand, it is possible that in many of the cases in our column 2 such collective action was only of the sort that we have called "occasional." What is clear about the Australian is (1) that for many purposes retaliation was general, both within the group and between groups and tribes, in the two latter cases abductions and accusations of magic murder being the most frequent causes of disputes.

(2) That within the group the older men, and possibly a headman, generally punished breaches of the marriage prohibitions and other "tribal" offences, while in certain instances they seem also to have dealt with adultery, or murder, or some other "private" offences.

(3) As between groups, vengeance and a consequent feud was frequently avoided by a regulated fight or by the submission of the offender to the spear-throwing ordeal. In this case there might be negotiations between groups. It would be for the offender's group to decide whether they should expose him or fight it out, and we can imagine these discussions dealing more or less with the merits of the case, and so developing into the rudiments of a trial. But at bottom it is a question of vengeance or averting it.

With this understanding our lists may remain as an approximate measure of the two forms of justice. With regard to the tribe, we may be confident that the number of cases of true systematic, collective intervention in private matters is very small.

The Lower Hunters in Asia are also very difficult to assign to any group in Table I. They live in "enlarged families," with very little organic relation between different groups, so that we have no hesitation in entering them under "No Law" for the purpose of our second table. But as to internal relations information is very vague. We decide to exclude the Kubus altogether, as their internal relations in the wild state appear from Hagen to be really matter of mere conjecture. Nor are the internal relations of the Negritos of Angat, the Veddas, or the Punan sufficiently definite. Of the latter, Hose and McDougall state that the petty chief, or family head, administers no substantial punishment, and if there is a quarrel the offended family leave; but when left to themselves the people seem almost crimeless. We retain (1) the Negritos of Alabat, who are described in a way that suggests some exercise of authority, and we enter them with a query under "Public Justice," of course in the technical sense here given to the term; (2) the Semang and Sakai, among whom Martin speaks of fights about women if the elders could not settle differences. We query these

two cases under our Group I.; (3) the Negritos of Bumagat and the Andamanese, where self-redress seems to be clear. We also add to our Australian list a query for the Tasmanians, whose institutions are insufficiently known, but, as far as known, fulfil the requirements.[1]

We thus get the following numbers for the Lower Hunters:—

JUSTICE WITHIN THE PRIMARY GROUP.

	Col. I.	Col. II.	Col. III.
Australians	12½	13½	0
N. America	3½	0	0
S. America	2	0	0
Africa	2	0	0
Asia	3	0	½
Totals	23	13½	½
Each column as fraction of all the cases	·62	·36	·01

Reducing the number of Australians by eliminating the more doubtful cases we get:—

	Col. I.	Col. II.	Col. III.
	19	9	½
As fraction of all the cases	·67	·30	·02

We may now consider the Lower Hunters, taking the wider view of the social unit. Among the Australians, we have 18 cases, and the probable instance of the Tasmanians. On the other side we have 4 cases. To make the total of the Lower Hunters we have now to add to it the nine Asiatic cases, in which whatever law there is is within the primary group, together with the North (3½), the South Americans (2), and the Africans (2). The result is:—

	Col. I.	Col. II.	Col. III.
Lower Hunters ...	35	4	0

We now enumerate peoples of the remaining cultures in three columns, bringing under Columns II or III, as the case may be, cases where justice is found only within the primary group. The figure after each name gives the column to which it belongs in Classification B.

1. In Classification B. the Tasmanians and Botocudos are in Col II. as having regulated fights. In the Asian groups the assignment can only be on balance of probability. The Andamanese are placed in Col. II., and, with queries, the Semang and Sakai. The Negritos of Alabat are in Col. IV. Other Lower Hunters are in Col. I.

HIGHER HUNTERS.

I.		II.		III.	
? Similkameen	(2)	Blackfeet	(3)	Aleuts	
Klamath	(1)	Omaha	(2)	Kedah Semang	
Karok	(1)	Shastika	(2)	Perak Sakai	
Hupa	(2)	Gallino Mero	(3)		
Etechemins	(2)	Italmen	(2)		
Montagnais	(2)				
Micmac	(2)				
Assiniboins	(1)				
Comanche	(1)				
Apache	(1)				
Kiowa	(1)				
Luisenos	(1)				
S. Californians	(2)				
Carriers	(2)				
Yuki	(1)				
Nishinan	(1)				
W. Eskimo	(2)				
Behring St.	(1)				
C. Eskimo	(2)				
Greenland Eskimo	(2)				
Labrador Eskimo	(1)				
Atkha Aleuts	(1)				
Koniaga	(1)				
Nootka	(1)				
Haida	1)				
Thompson River	(1)				
Chepewayans	(2)				
Loucheux	(1)				
Kutchin	(1)				
Kenai	(1)				
Tsekhene	(1)				
Chilcotin	(2)				
E. Nahane	(1)				
W. Nahane	(2)				
Thlinkeet	(1)				
Lillooet	(1)				
Tsimshian	(1)				
Shushwap	(1)				
Lkungen	(1)				
Kootenay	(1)				
Kwakiutl	(1)				
Yurok	(1)				
Topanaz	(1)				
Guaycuru	(2)				
Charrua	(1)				
Tehuelches	(1)				
Aucas	(1)				
? Puelches	(1)				
Abipones	(1)				
S. Chaco	(1)				
Manobos	(1)				
Ghiliaks	(2)				
Tuski	(1)				
Kauralaig	(2)				

DEPENDENT HUNTERS.

? Nundail	(1)	Bhuiyar	(3)	Atkwa Chenchu
Nicobarese	(2)	Beriya	(3)	
		Korwa	(3)	
		Bonthuk	(3)	
		Korumbas	(3)	
		Bataks of Palawan	(2)	
		Yanadi ?	(3)	

AGRICULTURE.[1]

Bheels	(2)	Lushai	(2)	Jakun
Manobos of Agusan	(1)	Paniyans	(3)	Arunese
Candios	(1)	Lepcha	(3)	Ainu
Dakota	(1)	? Santals	(3)	Kedah Semang
Hidatsa	(1)	Abnaqui	(3)	Perak Sakai
Iowa	(1)	Ojibway	(2)	? Lengua
Algonquins of Quebec	(1)	? Paravilhana	(3)	? Paravilhana
Huron	(1)	Karayaki	(2)	
Iroquois	(1)			
Delaware	(1)			
W. Torres St.	(2)			
Yuracares	(2)			
Mataco	(1)			
Ipurina	(1)			
British Guiana	(1)			
Mataguayo	(1)			
	16		7	6

PASTORAL.[1]

Beni Amer	(1)	Ovaherero	(3)	Batauana
Massai	(1)	Dinka	(2)	Shasewenses
Kurds of Eriwan	(2)	? Colonial Hottentots	(3)	? Col. Hottentots
? Navaho	(1)	? Khoi Khoin	(3)	? Khoi Khoin
Chewssures	(2)	Wambugu	(3)	
Biloch	(1)	Aeneze	(2)	
	5½		5	3

AGRICULTURE.[2]

Nicobarese	(1)	Kandhs	(2)	Chakma
Calingas	(1)	Subanos	(3)	Arunese
N. Araccan	(1)	Kharwar	(3)	? Flores
Kolya Nagas	(1)	Kols	(3)	Land Dyaks
Pathan	(1)	Majhwar	(3)	Bontoc
Muruts	(1)	Dhimals	(3)	? Bogadjim
? Kaupui Nagas	(1)	Enganese	(3)	? Gilbert Islands
Kiangans	(1)	? Flores	(3)	Rotuma
Koita	(1)	Panikocch	(3)	Tongans
Waga Waga	(1)	Khonds	(2)	Rarotongans
Bartle Bay	(1)	? Sea Dyaks	(3)	Bali
Trobriands	(2)	? Kei	(3)	Tuchilange
Torres Group	(1)	Florida	(3)	Azimba
Gazelle Penin.	(2)	Roro	(3)	Wawira
N. E. Gazelle	(1)	New Caledonians	(3)	Angoni
Sulka	(1)	E. Torres Sts.	(2)	Latuka
Moanu	(1)	Hawaii	(3)	Mayombe
Motu	(1)	Fiji	(3)	Mangbetu
Mafulu	(1)	Samoa	(2)	Bageshu
Jabim	(1)	Bangala	(2)	Wadoe
Marshall Islands	(2)	Azande	(3)	Baluba
Pelew Islands	(1)	Adio	(3)	Wyandot
Maoris	(1)	Baquiri	(3)	? Tarahumara
Tahiti	(1)	Mandja	(3)	? Tepehuanes
Marquesas	(1)	Maravis	(3)	? Huicols
Savage Island	(1)	Banaka & Bapuku	(3)	? Ges
Wafiomi	(2)	Yaunde	(2)	Yonca & Boni
Quissama	(1)	Wambugwe	(2)	
Barea & Kumana	(2)	Waheiei	(3)	
Ba Yanzi	(1)	Warega	(2)	
Massai	(1)	Creeks	(2)	
Caribs	(1)	Sambioa	(2)	
Papago	(1)			
Uaupe	(1)			
Chiquito	(1)			
Miranda	(1)			
Campas	(1)			
	$36\frac{1}{2}$		$30\frac{1}{2}$	$23\frac{1}{2}$

PASTORAL.[2]

Midhi	(1)	Kazak Kirghiz	(3)	Kalmucks
Yakut	(1)	Somali	(3)	Altaian Kalmucks
Turcomans	(2)	Gallas	(2)	Danakil
Bogos	(2)			Bahima
Baquerewe	(1)			? Makololo
				Bechuana
				Ama Xosa
				Watatura
	5		3	$7\frac{1}{2}$

AGRICULTURE.[3]

Hopi	(1)	Sonthals	(3)	? Sia	
Pima	(1)	? Kayans	(3)	Zuñi	
Suanes (free)	(2)	Kayans of Menda-		Zapothecs	
Garo	(1)	lam	(3)	Guatemala	
Singpho	(2)	Kayans of Maha-		Apalachites	
Passumahians	(2)	kam	(3)	Pueblos	
Timorese	(1)	Angami Nagas	(2)	Kasias	
Takue	(1)	? Kenya	(3)	Badaga	
Nandi	(1)	Ossetes	(3)	Padam Abors	
Warangi	(1)	Suanes	(3)	Maguindanaos	
Wapokomo	(1)	Battas	(3)	Singkel	
Wagogo	(2)	Nias	(3)	Khiva	
Araucanians (for-		Balinese	(3)	Marutse	
merly)	(1)	Malays of Padang	(3)	Basutos	
? Noeforesen	(2)	Basonge Meno	(2)	Alur	
		Java	(3)	A-Kamba	
		Adighe	(2)	Wasinja	
		Munda Kols	(3)	Waschambala	
		Ondonga	(3)	Wapare	
		Banyoro	(2)	Amahlubi	
		Bukoba	(3)	Wafipa	
		Kuku	(2)	Bihenos	
		Wakikuyu	(3)	? Cazembe	
		Duallas	(3)	Kilwa	
		Marea	(2)	Bahuana	
		Fanti	(3)	Bushongo	
		Wadshagga	(3)	Bambala	
		Indikki	(3)	Anyanja	
		Basonge	(3)	Kimbunda	
		Ababua	(3)	Baronga	
		Bayaka	(3)	Bawenda	
		Yao	(3)	Yoruba	
		Waniamwesi	(3)	Geges & Nagos	
		Wasiba	(3)	Fulah	
		Bamsalala	(3)	Segoo	
		Baganda	(3)	Calabar	
		Ewe	(2)	Benin	
		Tshi	(2)	Bambara	
		Diakité	(2)	Araucanians	
		Warundi	(2)		
		Nossi.bé	(3)		
$13\frac{1}{2}$		36		$37\frac{1}{2}$	

In Classification B the totals for justice within the group are derived from the above list, the figure following each name indicating the column to which it belongs.

To obtain the corresponding figures for justice beyond this group we transfer from a higher to a lower column cases in which

the elements of public justice are found within the group alone. On this account we enter all the Asiatic Lower Hunters in Col. I. Among the Australians we transfer from Col. III. to Col. II. the Yuin, N.W. Central Queensland, the Narrinyeri, and W. Victoria.[1] We add the Kaiabara, Maryborough, Wiradjuri, Wurunjerri, and Bungyarlee, who fall clearly into this column for inter-group relations,[2] and the Koynup, Whyook, and Milya Uppa, who practise regulated fights, and may safely be placed here for relations beyond the group. This gives for the Australians 26 and for the Lower Hunters a total of 27 for Col. II.

Above the Lower Hunters alterations are few. In Asia (A^1) the Santals pass from Col. III. to Col. I., and the Ossetes (A^3) likewise. In Africa (P^1) the Batauana and the Wawira (A^2) are omitted from Col. IV., but not placed elsewhere for lack of specific information, while the Bambala (A^3) are moved from Col. IV to Col. II. Finally, in North America (A^2) the Wyandots pass from Col. IV. to Col. II.

1. We omit the Riverina and Murray R. tribes (see note following this Appendix). We also omit "other N.S. Wales tribes" from col. ii because numerous members of this group are included individually.

2. See notes following this Appendix.

NOTES TO APPENDIX C.

AUSTRALIAN TRIBES.

The sources from which the lists in the text have been compiled may be very briefly indicated :—

1. *Adelaide* :—Eyre asserts private vengeance and denies knowledge of any stated punishments, except spearing in expiation of death, which, as he describes it, was a private matter. Though his statement is negative in form his account is very clear and concise, and the only doubt is whether it should not be extended further. He knew large tracts of S. Australia, and he applies this statement in particular to the Murray River natives as well. We omit them however because the reference is vague, and in some parts of that river show punishments did exist, so that the limits to which Eyre's statement holds could not be ascertained.

2. *Kaiabara, Maryborough, Wiradjuri, Turrbal, Wotjobaluk, Wurrunjerri, Yuin* :—These form a set of tribes described by Howitt in which ceremonial or expiatory encounters occur between groups. The details given vary from case to case, but we may fairly refer to the same general type in the Makjarawarib instance quoted from Howitt in the text. There is no hint of any impartial body to which the two groups appeal, and we take it that the object of the ceremonial combat or exposure is on the part of the group to avoid a feud and on that of the offender to avoid private vengeance or the alternative of being surrendered by his group.

Occasional traces of higher intervention appear, as among the Kaiabara if two men of different clans quarrelled about a woman. They are omitted from both columns.

The case of the Gringai (Howitt, p. 343) is probably the same, though the description is less precise. Several of these tribes who fought out some disputes within the group, but the Yuin would seem to have controlled vengeance there. Among the Turrbal individual quarrels were settled by a fight. (Howitt.)

3. *Port Lincoln* :—A similar system (spoken of in one place as a "trial") is described by Wilhelmi (*apud* Brough Smyth) and Scharman (*apud* Woods), who also describes irregular vengeance, in terms which we take as meaning that it was a purely personal or party affair.

4. *Riverina and Murray River* :—According to Beveridge (*Aborigines of Victoria*) among the Riverina tribes no offence was criminal except murder. Then the "whole tribe" sat in judgment. The criminal generally acknowledged his offence and was exposed to spear throwing (which was rarely fatal), and after it was received again as quite innocent. Perhaps every 5th man had killed his man. We do not know what Beveridge means by a tribe. In all probability it is another case of expiation in lieu of vengeance as between groups. This view is confirmed by the fact that the Riverina was largely occupied by the Wiradjuri. Among these Howitt, who knew the tribe personally, speaks of fights between sections, if a man is not given up. Beveridge's "Murder trials" would then be the ordinary ceremonial exposure as between district groups. We have entered the Riverina in our provisional list for group justice but

omitted it from the 2nd list and from " tribal justice." Le Souëf, writing in Brough Smyth in reference to the Murray River and Goulburn River tribes, speaks of enquiring into any theft or breach of tribal usage and describes the exposure of an offender to a blow from the injured party. This is subject to the same doubts, and, further, the reference is very vague. We have entered this tribe on our first list under justice within the group (p. 121), but have omitted them from our second as of doubtful interpretation. Under tribal justice we do not enter them at all. Le Souëf in fact asserts the occurrence of fights on murder charges at the corroborees. These would be like the ordinary inter-group combats, the tribe as a whole taking a part which is not clearly defined.

It should be noted that G. S. Lang (*The Aborigines of Australia*), writing of the Murray River basin generally, treats the justice done by the council as nominal, and says of the spear throwing that " if applied it is only to persons of little influence, or to avoid a war with some neighbouring tribe, for which they would sacrifice any one . A man bold and formidable with his weapons can do anything with impunity." This nearly coincides with the view that the ordeal is essentially a substitute for a feud, while beyond this it would come under what we mean by " occasional " intervention.

5. *Geawegal* :—This tribe had the ordeal, spears being thrown by the relatives, but as Rusden says that obedience would have been enforced if necessary by the assembled tribes it is possible that here we have something more than the fear of feud. It is therefore entered under public assistance. (Rusden writes in *Kamilaroi and Kurnai,* App. F, and is quoted in Howitt.)

6. *Euahlayi* :—Mrs. Parker mentions prolonged tribal feuds arising from accusations of " pointing the bone." They are probably waged between groups of allied totems, but this is not properly clear, and the tribe is therefore omitted from our list. There are also traces of public justice (1) in connection with allegations of magic murder, when men of " all the kins " throw spears at the accused, (2) in the punishment of an extremely wanton woman, who may be bound and tossed by members of any of the clans and is abandoned by her relations to their pleasure. This would be one of our " occasional " cases. The Euahlayi therefore are not entered on either side.

7. *Bungyarlee and Parkinji* :—Vengeance for alleged magic by the relatives is described by Bonney (*J.A.I.*, xiii). The victim may apparently belong either to the same camp or to another, and this account implies that the two parties may normally be friends.

8. *Swan River, King George's Sound, Perth, and other W. Australians* : —According to Gray, the Matrilineal families are united for defence and revenge. The sorcerer points out the man who has caused death by magic and the relatives start to avenge the death. In case of wilful murder they slay the murderer and any of his friends. In case of accident the practice differs, *e.g.,* if in ordeal spear-throwing one shall accidentally kill the culprit he must be speared through both sides. All relatives are liable, if the culprit escapes his own relatives often assist in finding him, for until he is punished " the whole of his connexions are in danger." Wife stealing, adultery and incest are generally punished with death, but any other crime is compoundable by ordeal of spear-throwing, which often gives rise to further duels.

In addition to Gray we have statements from John Forest about the C. and W. Australians pointing in the same directions though less explicit, from Ph. Chauncy and Oldfield, both of whom describe retaliation mainly as between different tribes. Gray's one exposition covered N.W. as well as W. Australia.

Further we have Jones' statement in *Dr. Petermann's Mittheilungen* as to King George's Sound, which alleges not only feuds between local groups, but lawlessness and violence generally, Mrs. Bates' account of tribes within a radius of 200 miles of Perth describing fights between families generally appeased by spearing of the offender, and Salvados' account of the Swan River tribes in the interior. In all this district it would seem that justice is a private matter.

How to group the tribe over this large area is a question. We have made those divisions, King George's Sound as described by Jones, Swan R. as described by Salvados, Perth and other West Australians as described by Gray and Mrs. Bates.

9. *Bangerang* :—The Bangerang group described fully by Curr, who shows that there is nothing amounting to public justice in private matters. In the first place the Father was absolute in the family. Secondly, offences against custom sometimes had a " foreign " aspect, bringing about wars with other tribes. Within the tribe they were generally of the nature of a wrong to some individual who would make complaints in the camp. The accused also stated his case, and then anyone who liked would proclaim his views and the offender ought to make a customary reparation. If he did not he would probably be murdered by the injured party and no one would avenge his death. In cases of women disputes custom often compelled the offender to submit to spear-throwing ordeal. Sections of the tribe did not practise witchcraft against one another so that blood feuds were against other tribes with which however they intermarried. We take the Bangerang as a case where justice was private because the force behind custom, apart from opinion, is that of the avenger.

10. *Dieri* :—While theft and wrongful accusations gave rise to fights, magic murders were punished according to Gason (*ap.* Brough Smyth) by the Pinga or avenging party sent out by the Council. Accidental death in a fight would be avenged by the Pinga on the slayer's elder brother or father. This looks as though the Pinga must be privately organised, for while it is intelligible that one kindred should demand the elder brother's life as inflicting a greater loss on his offending group, it is not easy to see the way the council should take this view. Mr. Howitt (p. 821) adds murder as well as death by witchcraft to the offences dealt with by the council. Gason, who is Howitt's authority, speaks in another place (Woods, p. 259 seq.) of supposed murderer of any man with numerous relatives being slain by the Pinga, which looks as though its intervention apart from several matters were rather a matter of personal influence than anything else. If so it would correspond to our " occasional " justice. The tribe however is, in deference to Howitt's description, entered in the " public " side.

11. *Central and North Central Australians* :—Spencer and Gillen describe feuds between local groups arising out of magic murders. They also, particularly in the North, assign to the tribal council the function of dealing with offences, specifying in one place (*C. Austr.*, p. 15) breaches of the marriage laws and in another (*N. Austr.*, p. 25) these and magic

murders. Possibly these councils may have dealt with other offences as well but we do not observe instances. Very probably they would come under our " occasional " justice.

Schulze describes family vendettas on the Fink R. But on the whole we feel the evidence insufficient for the classification of these peoples.

12. *West Victoria* :—According to Dawson (*Tribes of W. Vict.*, and citations in Howitt, p. 335, etc.) the blood feud is recognised, but if the avenger escapes being killed in his turn he is summoned to the ordeal which takes place before the assembled " tribes." Dawson's " tribes " probably correspond to our local groups, so that the assembly of them is equivalent to a tribal meeting. As this meeting is said to enforce attendance we have a beginning of tribal justice proper. But in them from Dawson the group might elect to defend its man and bear the feud. From certain statements, *e.g.*, that a man would ask his dearest friend to avenge a brother's death, we suppose that vengeance may be just personal and among intimates, probably between the groups.

13. *Kurnai* :—From Howitt's *Kamilaroi and Kurnai* we learn that the clan division protects its members and exercises the blood feud. An ordeal may be substituted and the drawing of blood satisfies the relations. Bulmer (*ap.* Brough Smyth) says that among the Lake Tyers people there are no stated punishments, but that a man who is obnoxious to certain members of the tribe may be killed or called to the ordeal. We have entered them under private justice both in the group and in the tribe.

14. *Tongaranka* :—Offences against marriage law punished by the tribe. Individual offences, *e.g.*, theft, left to the sufferer to spear. (Howitt.)

15. *N.W. Central Queensland* :—Quarrels frequently lead to fights. At the close of which the old men hold an inquiry. If the victor is found to have been in the wrong he undergoes a similar injury to that which he inflicted with a similar weapon and if he had killed his man would be put to death. Quarrels are liable to spread to the whole camp. Hence the determined efforts to stop them. The man who kills his wife would have to deliver up one of his sisters to his wife's friends for death. If a man is murdered by one of another tribe, his tribe is visited in force and he is given up to stand the spear-throwing ordeal and a second life may be demanded in addition. Death is inflicted by the Council for violation of blood-relation, a group cester, or uninitiated girl. The blood brother of the culprit is responsible for his appearance and may suffer vicariously. Ordinary elopements are punished with an ordeal of knife-hacking, but death is avoided owing to fear of vengeance by the victim's brothers, but if the parties are of forbidden groups both are put to death with the tacit consent of the blood-relations. It is clear that there is publicly assisted justice within the camp and group retaliation beyond it. The question is whether the camp corresponds to the local group or the tribe. Roth describes them as " messmates " possessing in common trade routes, markets, hunting grounds, being intermarriageable and making common cause in war against an enemy. This is clearly within our definition of one society. For N. Queensland Roth gives no details, but his general expressions are the same. For safety's sake we query this case under tribal justice.

16. *Port Darwin* :—Murder, according to Foelsche (*J.A.I.*, xxiv), is punished with spearing if murderer is a fellow tribesman, if otherwise with

death. Serious quarrels and sometimes fights are, he says, the natural result. Presumably therefore the punishment is inflicted by the aggrieved friends. Unfortunately Foelsche makes no definite statement nor do other authorities make clear that vengeance would be exercised within the tribe. It is therefore not entered.

17. *Kabi* :—Quarrels were settled by a duel of endurance (Curr, iv, 131), and according to Mathew (Two representative tribes) fights in the camp were frequent. Elopement also led to fights (Howitt). But we do not hear of homicide, and enter them only upon the more doubtful list.

18. *Herbert R.* :—Lumholtz (*Among Cannibals*) describes duels for theft, etc., but indicates that homicide would be differently treated. How it is dealt with he does not explicitly say, but speaks of tribal wars in revenge for witchcraft as well as for cannibal purposes, and witchcraft can, he says, be exercised upon a fellow tribesman. He denies all organisation beyond the " family tribe " so that for the purpose of tribal justice we might be justified in regarding this as a case of " no law." We have not however added it.

19. *Rose Bay* :—Collins, at end of 15th century, describes complicated series of acts of vengeance mingled with ceremonial exposures. It may be noted that in one case after the murderer had stood the ordeal he was killed by one of those who had taken part in it.

20. *Kamilaroi* :—According to Ridley (*J.A.I.*) murder was avenged by a man's totem class. A note in Howitt says that if serious complaints were made of a man's conduct a council of the headmen (? of the tribe or of the division in which there might be several) might desire his death. This we call " occasional " justice, and we therefore enter the Kamilaroi under col. i for tribal justice. Within the group there was promiscuous prostitution for adultery, so that it falls within col. ii.

We do not enter Ridley's other tribes separately under group i.

21. *Wakelbura* :—Howitt's account (esp. p. 223) indicates that homicide in fair fight or in a quarrel among comrades would be unpunished. On the Belyando R. generally, according to Curr's informants (*Austr. Races,* iii, 26) vengeance for alleged magic murders is exercised by the priests and, it would seem, on members of the same group. Further Howitt could hear of no headmen among the Wakelbura (p. 303). There is quasi-exhortive punishment of unlawful marriages, but for other matters there seems no regular restraint even within the group.

22. *Narrinjeri* :—Along with private vengeance there existed, according to Taplin (*ap.* Woods), a system of punishments by the council of the clan division. In case of murder of members of one clan by one of another the aggrieved party might invite the others to a combined council to " try " the case, and the murderer might then be handed over to his own clan for execution. This is an incipient judicial process, though we must suppose that the matter still really depended on the consent of the murderer's clan.

23. *Buntamura* :—All offences are punished by the tribe. The relations of the injured man fight and thrash the offender (Howitt, p. 333). We should take this second sentence to be explanatory of the first, Kirkham (Mr. Howitt's informant) probably meaning by the first sentence that the people generally dealt with offences, but on the whole the statement is too vague for entry.

24. *Waimbaio* :—Bulmer describes fights between relations arising out of elopements and the ravishing of the girl if unprotected. (K. and K. App. i.) Not sufficient for entry.

OTHER TRIBES.

25. *Loucheux* and *Kutchin* :—Bancroft, and Hardisty and Strachan Jones in *Smithsonian Reports* for 1886. These people live in bands headed by a chief or a medicine man. There is some discrepancy as between Hardisty and Strachan, and as there are said to be 22 tribes variously called Loucheux and Kutchin, either may be true of different peoples. (Bancroft, p. 146, treats the Loucheux as one tribe of the Kutchin.) There is however no mention in either account of any public justice. Hardisty states that among the Loucheux theft, lying and murder by shamanism are heinous crimes (pp. 319-20), but he does not say by whom they are punished. Killing an enemy in fair fight is honourable (*ibid.*). Strachan Jones says of the Kutchin that there is little or no punishment for theft, and he makes all redress definitely a private affair (p. 325). According to Hardisty mourners may " in a fit of revenge against fate kill some poor friendless person " (p. 317), and this is tabled for its ethical significance—though in other respects not quite appropriately—as a case of vicarious revenge.

26. *Western Déné* :—The Tsekenne (or Sckanae) including the Beavers and the Suanes, the East and West Nahane, the Carriers and the Chilcotin. There is much confusion in the nomenclature of these peoples—the best authority is Father Morice (*Trans. Canadian Institute,* 1893, etc., also *Proceedings,* 1888-9), but even in his statements it is not always clear whether the reference is to the whole group or only to certain tribes. The Tsekenne and E. Nahane are very primitive and have apparently no law or government (*Trs.*, p. 28, cf. *Proc.*, 143), but in regard to the latter the author's reference is not perfectly clear. They are omitted from the table. The other three are more advanced, presenting a distinction of class between nobles and commoners. The former collectively constitute the authority in the village, but except as to territorial rights they have no definite power. They pacify belligerents and settle disputes, but rather by persuasion than by other means. Instances are however related in which notables have shot dead disobedient villagers without having to answer " tooth for tooth." (*Proc.*, 142-3, cf. *Trs.* 28.) In the tables authority in relation to disputes being devoid of regular powers of coercion is entered under the head of arbitration. In a disconnected passage Morice mentions public flagellation among the Chilcotin but without saying by whom administered or for what offences. (*Proc.*, p. 164.)

27. *Semilkameen* :—Mrs. Allison (*J.A.I.*, xxi, p. 317) states that chiefs formerly had the power of life and death, but for what offences is not stated. She mentions summary vengeance or blood money for murder.

28. *Iroquois* :—The accounts of the Jesuits and of Loskiel (*Hist.* p. 16, etc.) show that in the 17th and 18th centuries there was no law but that based on retaliation. Morgan states that the council punished witchcraft with death and the adulteress by whipping. The second at least must be of later date, probably due to missionary influence. It is precisely what missionaries would have noted if they had found it in existence.

29. *Delawares* :—We follow mainly Loskiel, who is clearer than Heckewälder, though in general agreement.

30. *Creeks* (*Murkegees*) :—Accounts differ according to period.

31. *Pueblos of Mexico and Arizona* :—The pueblo is taken as a unit equivalent to the tribe rather than the primary social group among peoples of lower organisation. Bancroft speaks of organised government, but has little to say about justice except that the council supervises matrimony and forces young people in case of incontinence to marry under penalty of corporal punishment. This is probably due to missionary influence at some period. But Miss Marreco writes that in the New Mexican pueblos generally the council up to a recent period usually settled all disputes and inflicted penalties such as beating and compulsory work for "what might be called criminal cases." As to general administration the civil and religious functionaries are distinct and the war chief, whose functions are now small, is in some way intermediary. The system, Miss Marreco writes, is loaded with Spanish 18th century ideas.

Among the Tewar and Kopis of Arizona, on the other hand, Miss Marreco writes that there is really no one now charged with the administration of justice and of affairs generally (see her letter).

32. *Tarahumara, Tepehuane* and *Huicols* :—All previously under strong missionary influence, on which account they are only reckoned as queried cases in our additions. Floggings lavishly used for many offences, particularly unchastity. Very little Christianity remains. The governors hold authority from the Mexican Government. (Lumholtz, *Unknown Mexico*, vol. v, ch. vii, p. 140; ch. xxiii, p. 463; vol. ii, p. 247.)

33. *Aleuts* :—The account of the Atkha Aleuts is due to Father Yakoff, that of the Oonalashka is translated by Dr. Petroff in United States 10th Census from Veniaminov, but is given by him as a tradition only, the system having entirely disappeared under Russian rule.

34. *Chensuas* :—In the account of these two peoples given in a report by Captain Newbolt (*J.R.A.S.*, vol. viii, p. 271 seq.) the author named 8 heads of clans, and stated that in case of murder they assembled and killed the murderer. In robbery, restitution; and if the thief had no property nothing was done. For petty offences, beating and reprimand by the head. The death penalty was executed in same manner and with same weapon as the murder: a clear case of the public authority taking over the function of retaliation (p. 275).

The Nundail, of whom there are 31 tribes, could not give the name of any chief (p. 274) and say that in case of murder the perpetrators are put to death in return (p. 273), while for theft and assault punishment corresponded with that of the Akwar. For both cases we have the statement that civil cases were disposed of by the heads, who had the parties before them and examined witnesses. As the Nundail could mention no heads it will be seen that with them justice was a matter of Retaliation—life for life in case of murder and restitution for theft.

35. *Negritos of Zambales,* A 1 :—The Negritos of this district are settled in rancherias within the jurisdiction of two Philippine towns in small groups. (Reed, p. 30.) Murder is punishable with death but is almost unknown (p. 13), theft said to be punishable with death, but the thief is given time to pay a fine, or someone else pays it, in which case he becomes a slave (p. 13.) Adultery is also punishable with death, but com-

position is generally accepted (p. 64). Unfortunately our authority does not state by whom these punishments are inflicted. Martens says that in case of adultery it is the husband who executes the sentence, though he is usually satisfied if he recovers what he has paid for his wife. In the case of a daughter the father exacts payment. They are therefore not tabled except as allowing composition.

All the Negritos appear to live in very small groups, or "enlarged families," numbering 20 to 30, or at the outside 50, and to recognise a certain chieftainship in some elder of capacity, who settles disputes between the constituent families whose heads otherwise appear to have autocratic power.

36. *Bataks of Palawan* :—They have apparently taken to agriculture only within the last 20 or 30 years, but they previously traded with Christians or Tagbanuas. (Venturillo, *J.A.I.*, 18, p. 138.) Their institutions appear to be in a similarly transitional state. Statements as to their mode of government are conflicting. According to Venturillo the settlement is governed by a capitan chosen either by the chiefs of the provinces or by the local chiefs of the Barria, but authority is in the hands of an old man chosen for his superior merit, who dispenses justice with aid of the old men of the tribe. (P. 141.) According to Miller (p. 182), the old man is said to take cases to the chief of the tribe. He also quotes Venturillo as saying that in some districts there are no tribal chiefs (p. 185).

Alike in cases of murder, theft and adultery, the relatives may exercise vengeance on the spot, but if the matter is reported there is intervention by old men (p. 142). Murder may be compounded for a fine determined by them. Theft is punishable by a flogging, and adultery and abduction by fine. Rape if neither party is married is not an offence, but an effort will be made to secure marriage (p. 142).

37. *Schahsewenzes* :—The whole system of government and justice is overlaid by the Persian suzerainty. Disentangling the original system from this as far as possible, we find the blood feud at least as between different tribes, and retaliation in case of theft, subject to conciliation or to composition. (Radde, p. 423-5.)

38. *The Italmen* :—The basis of justice is retaliation, but the statement that the detected thief could not resist seems to imply a certain public countenance of the avenger. (Steller, p. 356.)

39. *Negritos of Alabat and Angat* :—These are typical apparently of the wilder Negritos of the Philippines but there is some difference in the description of them. Both live in very small groups of the enlarged family type. Among those of Angat all power is attributed to elders of families. Among those of Alabat we hear of punishment for crime which may possibly be taken as exercised by the elders on behalf of the group and so be deemed a sort of public punishment within the little kindred. We express this in the table by entering them under "No Law" but querying public justice within the group. (Meyer, *König. Ethn. Mus. Public*, 9, p. 33.)

40. *The Yakuts* :—The statement seems to refer to the time when they were not subject to Russian influence.

41. *Lushai (Kukis)* :—Dalton, Lewin and Shakespear differ widely in accounts of the Kuki, partly because there are many Kuki tribes, and partly perhaps because they are considering different periods, before or after the British occupation. We take only the Lushai, among whom the chief's

power over the criminal consisted apparently in offering him sanctuary. Personal injuries were punished by the sufferer or his relatives. But we have public justice as covering some private offences because some cases of theft at least were dealt with by fines. (Shakespear, *J.A.I.*, xxxix, p. 374.) The Kookies were a warlike predatory people, hardly to be graded adequately by their agriculture.

42. *The Kazak Kirghiz* :—Accounts of these people are not wholly consistent, but as they are estimated at 2,000,000 there is room for considerable difference. Some appear to be semi-civilised and have tanning, weaving and metallic industries, and agriculture. (Radlov, p. 469.) They appear to have had great khans and to one of them legislation on the basis of retaliation is attributed. (Levschin, p. 399.) The practice of retaliation is said to persist nevertheless.

43. *The Ainu of Japan* :—Public justice now prevails. Batchelor (p. 138) notes an earlier stage in which the power of the Father over wife and family was absolute as contrasted with the present time when he can do little or nothing without consulting his companions.

44. *Semang Sakai and Jakun* :—We have a great variety of statements as to particular groups of Semang Sakai and allied races which are not easy to reconcile. Bringing the statements of Martin, Skeat, Wilkinson and others together, we first distinguish the wholly wild groups which apparently live in small kindreds or possibly in groups including one or two different families but seldom having more than two or three huts. Whatever government there may be must be of purely patriarchal character, and while disputes are rare, according to Martin they do occur in relation to women, and if not settled by elders result in bloodshed. The groups seem to be as nearly as possible anarchical, and are tabled as having no law.

Coming to those exposed to the influence of Malay or Indo-Nesian culture, we have first the Central Sakai described by Wilkinson, who have chiefs who maintain some sort of order and use ordeals in the settlement of disputes, but have apparently no means of punishment. Then we have several other groups distinguished as the Kedah and Perak Semang and Sakai, the Sakai of Kuala Kernan, as well as the Mantras, the Jakun, the Basisi, or the Sakai of Salangor. Of these the Basisi and the Salangor, who have an elaborate government based apparently on Malay influences, are not tabled, the former because they appear to be mixed with the rest of the population without independent means of subsistence, the latter because their economic status is not clear. The former have systems of government and public justice of varying grades which, if we follow Martin may be ascribed mainly to the influence of the more cultivated peoples with whom they are in contact.

45. *Mundombe* :—Our only information about justice refers to adultery, which is compounded. The death of a wife will from whatever cause entail the payment of bloodmoney to her relatives by the husband. This appears sufficient evidence of the prevalence of the idea of compensation. (Magyar, p. 23.)

46. *Kuku* :—This is a complicated system in which the execution of justice differs a good deal according to the relation of the parties. People form clans with no chiefs and the clans form tribes which recognise a *chef de l'eau,* while there is also a landowner who is sometimes invoked in judicial matters.

Within the clan in the case of murder the kin go to the *chef de l'eau,* who forces the guilty party to pay compensation. In the case of rape the ravisher caught red-handed may be killed, otherwise the kin obtain compensation through the *chef de l'eau,* who is also appealed to in case of adultery should the landowner fail to induce the guilty to indemnify. In case of theft, if the thief will not pay an equivalent appeal is made to the *chef de l'eau.*

As between the clans or tribes, in case of murder the clan of the victim claim the murderer or a relation. In case of refusal a feud ensues. In case of rape husband and kin claim compensation. In theft and adultery appeal is made to the *chef de l'eau.*

Further, if collective action fail, individual vengeance may occur and even develop into an endless feud. Presumably much depends on the personality of the *chef de l'eau.* (*Varden Plas,* pp. 355-361.)

47. *Ewe speaking peoples* :—The government of these peoples is monarchy controlled by an aristocracy who form a Council, except in Dahomi where the king was absolute. (Ellis, p. 162.) Accounts as to administration of justice are not altogether in agreement, but retaliation is certainly recognised and responsibility is collective and vicarious. There are some differences depending on the rank of the parties. If the injured party is poor the family will usually accept compensation. Ellis states explicitly that among the Tshi, Ga and Ewe peoples the State, *i.e.,* the tribal or village chief takes no cognisance of offences unless they are such as concern the whole community, *e.g.,* treason and witchcraft. In cases of homicide, theft, rape, assault, injury, etc., the family alone exacts satisfaction from the other family, and only if no agreement is arrived at is the case brought before the chief, who until called upon cannot act. (*Yoruba speaking peoples,* pp. 299-300.)

48. *Beduans* :—The account is not very clear. It denies knowledge of genuine criminal justice. It says offences are generally settled in patriarchal fashion. It also speaks of accusation before the Pasha and of punishment by exile, but the Pasha acts very arbitrarily and interferes but little. The Pasha has superseded a native chief, and the conditions are probably transitional. (Munzinger, p. 156.)

49. *Massai* :—Our authority speaks of revenge and composition if there are no judges, but who the judges would be or what power they would have he does not tell us. (Hollis, p. 311.)

50. *Nandi* :—Administration of public justice is not clearly stated but trials are mentioned. There is a clear distinction between murder inside the clan and outside the clan. In the former case the offender is looked on as unclean until he kills 2 outsiders; in the latter there is vengeance and composition. (Hollis, p. 73-4.) They were formerly hunters (p. 17) and their institutions are perhaps transitional.

CHAPTER III.

THE FAMILY.

The main questions which occur to the student of institutions about marriage and family life include:

1. Kinship, and limitations of marriage.
2. The form of marriage.
3. The number of wives or husbands.
4. The stability of marriage.
5. The relations of husband and wife.

We will briefly explain the way in which we seek to tabulate information on these points.

(1) *Kinship.*

The statistical method is difficult to apply here, because much depends on detail, with regard to which it often happens that information breaks off at the most interesting point. Even if we had the facts in full, to table them in a satisfactory manner would require a great number of headings, and would in fact necessitate a specialised enquiry. Hence we have only endeavoured to note certain broad features. Is the system of descent matrilineal, patrilineal, or both?[1] Is marriage matrilocal, patrilocal, or both?[2] The second question often yields ambiguous results. A young couple live for a while with the wife's father and then return to the husband's people. We think they are patrilocal, as the permanent

1. Often kinship is reckoned on both sides but further on one side than on the other. Thus among the Bambala it is reckoned very far on the female side, but in the male line not beyond the uncle and grandfather. (J.A.I., 35, p. 410.)

The father's right to the children may depend on purchase. Thus, among the Makololo (Livingstone, *Zambesi,* p. 285), cows are given for the wife to secure the children for the husband's family. Similarly, among the Wagogo, the wife normally enters the family of the husband, but if he cannot pay the price he goes to her family and becomes virtually a slave until his friends buy him out. (Beverley in Steinmetz, p. 208.)

2. In several Californian tribes, *e.g.,* the Yurok, the status of the husband depends on the payment of the price. A " soft fellow " will only pay half the purchase money and then enters the wife's tent in a servile position (Powers, p. 56). Among the Hupa, the men might serve out half the price, the children then going to the mother's people (Goddard, *Life and Culture of the Hupa,* p. 56). We enter their system as both Patrilocal and Matrilocal.

dwelling is the more important of the two. But it may be that all we are told is that after living for a time with the wife's people they set up house for themselves.[1] In that case, though with some doubt, we should class them as matrilocal, since our information as far as it takes us associates the young couple with the mother's rather than the father's family.

In association with this question we considered the bars to marriage, but unfortunately found in the end that our information was too incomplete to be worth tabulating.

(2) *The Form of Marriage.*

We may take next the question how a marriage is arranged and the method by which a partner is obtained. Here there are several questions to be distinguished. In the first place, the relations—generally the parents, but sometimes brothers, uncles or the entire kin—may be the authors of the marriage, and either the girl's kin or the boy's may take the initiative. We have not discriminated these two cases, but we table both as cases in which "relatives arrange marriage." The instances tabled include numerous cases of child and even infant betrothal, and it might be thought that in none of these peoples would the woman have any say in the matter. But this is not so. It is possible that the betrothed girl or boy may repudiate the arrangement on coming to maturity, and even if this is not definitely understood as a right, it may be settled *via facti* by elopement.[2] We therefore have had to tabulate separately cases in which the "consent of the girl is required," the negative sign meaning that it may clearly be over-ridden. When consent is not required it may be pretty safely assumed that marriage is arranged by the kinsfolk, and we might add the totals

1. *c.g.*, among the Hottentots, the young people live for a year with her people (Z.V.R., 15, p. 343).

2. Thus, among the Yuin in Australia, if the girl preferred another man and eloped with him, nothing would be done if they could escape till a child was born, particularly if there was a sister to give in exchange (Howitt, p. 263). Among the Wiimbaio (Howitt, p. 194) the girl so eloping would be pursued, and after the man had allowed her relatives to strike him, he might be permitted to retain her, but there might also be a fight. Among the Australians generally elopement in relation to betrothal is treated with very varying degrees of seriousness, so that it is impossible to say generally how far the consent of the parties was really a factor, and we had to deal with each case as best we could. Among the Ainu of Japan, infant betrothal occurred but was not binding (Batchelor, p. 141). Further, when the institution is regularly recognised, it often coexists with the exercise of consent by grown-up girls. Thus, among the Garo (Dalton, *Ethn. B.*, p. 64) there is frequent child betrothal but grown-up girls have free choice. Among the Basonge Meno (*Annales*, Series III, Tome II, pp. 271-2) and the Tshi (Ellis) child betrothal is an institution (p. 282), but the consent of an adult woman is necessary for her marriage (p. 285).

(allowing for those which are in fact entered under both heads) to get the whole number of cases where marriage is arranged. We cannot, however, for the reason already given, invert the argument, so as to obtain the total of cases in which consent is not required. But in dealing with consent, we come upon a considerable difficulty. We often learn that though marriage is regarded as properly an affair for the relatives, in practice it is settled by elopement or possibly abduction. In this case, should we say that the woman's consent is a factor or not? We have to note (*a*) that elopement shades off into abduction or capture in which consent is not a factor; (*b*) that in practice elopement may be more or less seriously regarded; (*c*) that it may or may not co-exist with other methods in which the girl's views are disregarded. Where a girl may quite clearly be forced into marriage against her will, we say that consent is not required, even though elopement may in fact be common. We should also deny it if elopement is seriously punished. On the other hand, if elopement is the ordinary method, and is punished formally rather than seriously, and if other methods do not palpably over-ride the girl's wish, we should table the case under 'consent required.' The exceptional cases in which the girl takes the initiative are not entered separately, but are added to "consent required."[1]

1. To illustrate the very multifarious conditions affecting the problem of consent, we may refer to the previous note, upon the Australians. Two cases may serve to show the method in accordance with which the tables are formed.

Among some Victorian tribes, according to a narrative recorded by Howitt, p. 255, it would appear as though a girl might succeed in maintaining her refusal of a man and then an exchange would be necessary. This is a borderland case, which we table as "consent required."

Among the Yerkla Mining, on the other hand, if the betrothed husband claims his wife, the dispute is settled by a regulated fight (Howitt, p. 258). This, we think, is "consent not required."

Among the Hidatsa and the Dakota elopements occurred but were not strictly honourable, marriage being properly arranged with the parents (Dorsey, *Smithsonian Reports*, 1893, p. 242). In such cases we take consent as being not required. This view is confirmed by Rigg, *Contributions*, p. 206, though among the Hidatsa, according to Mathews, the girl's wishes would have weight.

Among the Gonds a different question arises. Elopement is a recognised right, yet the deserted lover may carry a girl off by force, so we have entered it on the negative side as "consent not required." (Crooke, *The Tribes and Castes of the North-western Provinces and Oudh*, vol. ii, p. 434.)

Among the Panikocch, the women take the initiative. Marriage is settled by the mothers with the consent of the parties, or a grown-up girl may take a husband for herself (Dalton, p. 91). Among the Garo the initiative is with the girl (*ib.* p. 64).

Whether the parties or the family arrange the match the basis may be of several kinds. There is a sprinkling of cases of real capture, together with some in which capture is ceremonial. There are cases where there is no ceremony but simple cohabitation. Then there are a large number of cases in which some sort of consideration is given for the bride. Here we may have (*a*) true purchase. The bride is certainly bought and sold. (*b*) Gifts made to her relatives. Here it is often difficult to say whether it is a true purchase or not.[1] Sometimes we find that the gifts are very small or that gifts of equal value are returned. The former we ignore.[2] The latter we table as "exchange of presents," and regard the transaction more as a mark of mutual courtesy and of friendliness between the families rather than as a commercial affair. But the return gifts may be very small while the original gifts are regarded as the real means of securing the assent of the woman's family.[3] In such cases we enter "G" (gifts) under the heading "consideration for marriage," and this title must be understood to cover the cases which we hold to be intermediate between the exchange of presents and purchase proper, considerations of courtesy, the family dignity, and the like, mixing with the desire of compensation for the loss of the girl.[4] Gifts to the bride herself are not considered. If the bride has a dowry which exceeds the gifts made for her, that is separately entered,[5] and if purchase or any consideration of the nature of purchase is explicitly denied, a minus sign is entered.[6] Further, in place of payment, service (S) may be rendered, or the bridegroom's family may give a bride in exchange (E) for the one they receive. A cursory comparison of the totals shows that the rendering of some consideration for the bride is the normal mode of securing marriage at all grades in the uncivilised world.

1. Thus, among the Pomo in California, marriage, according to Powers (*op. cit.*, p. 157), is not strictly a purchase but is arranged by presents to the parents. Among the Omaha there is free courtship with presents to the parents (Dorsey, *Smiths.*, iii, p. 260).

2. Thus the Wataturu bridegroom sends a pot of honey as a token (Baumann, *Massailand*, p. 172). We enter a negative under Purchase.

3. In South Melanesia purchase or an exchange of presents verging on purchase is the rule, but in Santa Cruz Codrington describes the transaction as an exchange. In Bartle Bay there is exchange, but the bride's kin get the more valuable presents.

4. Among the Bushongo we are told that a woman is not bought, but it is considered just that compensation should be given for her and her consent is necessary (Torday and Joyce, *Annales*, Series III, p. 11).

5. *e.g.*, among the Veddas.

6. Among the Wambugwe the suitor sends an ox to the father and if it is accepted the marriage follows, but the bride's father endows her with oxen so that he apparently gives more than he receives. They must, however, be returned in case of divorce, so we have entered a minus under purchase but nothing under Dowry. (Baumann, *Massailand*, p. 187.)

(3) *Number of Parties.*

We distinguish "monogamy regular," which means that polygamy and polyandry are alike forbidden by custom; "polygamy general," which means that anyone may have more than one wife and that many in fact do so; and "polygamy occasional," which means either (*a*) that it is stated to be rare, or (*b*) that it is confined to the chiefs, nobles, or wealthy, or (*c*) that it occurs under certain conditions, *e.g.*, barrenness. If we are told that monogamy is the rule, even for chiefs, but that the chiefs have exceptionally been known to have two wives, this is an exception within an exception, and we enter it with a query.[1] When the second and other wives have a decidedly inferior status, we enter C (concubinage) under polygamy. If polygamy and concubinage are alike deemed wrong we have "monogamy regular."[2] The rare cases of polyandry are distinguished as "regular" (+), occasional, which means that such marriage occurs but does not appear to be frequent,[3] and servile, which means that a secondary husband has a status roughly analogous to that of a concubine.[4]

(4) *The Stability of Marriage.*

A marriage being concluded, on what conditions may it be annulled? It would need a specialised enquiry to deal with the great variety of cases. We distinguish (*a*) divorce at will of the parties. These include (1) cases in which divorce is said to be simple, easy or frequent.[5] There may be some error under this

1. Such exceptions to the general rule of monogamy occur among the Kayans (Hose and McDougall, i, p. 73). We cannot enter them as strictly monogamous though our authors say that "public opinion does not easily condone a second wife" (*ibid*).

2. Thus, among the Karok of California, all concubinage even with female slaves is reprobated (Powers, p. 22). A more doubtful case is that of the Bali tribes, where monogamy is the only legal form, but concubinage with unmarried women of the slave class is in practice allowed. On the whole this seems to be an instance of laxity rather than a recognised institution, and we have taken the Bali as monogamous (Hutter, p. 379).

3. Among the Punans the principal cause is that wives of elderly men take a second husband to obtain children (Hose and McDougall, ii, 185). Similarly, among the Bayaka, a childless man may introduce his brother in secret (Torday and Joyce, *J.A.I.*, 36, p. 45). An analogous custom is noted among the Santals by Risley (vol. ii, p. 229). Among several Australian tribes men of the same totem or of the same class have certain rights of access. Among the Massai adultery within the same age-class is no offence, so that there is virtually polyandry as well as polygamy (Hollis, p. 312).

4. Thus, among the Roucoyennes, the wife's lover enters the husband's service as a peito—half client, half serf, and admitted paramour (Coudreau, *Rev. Ethnog.*, vii, p. 479).

5. *e.g.*, among the Anyanja, marriage is regarded lightly and adultery and divorce are common (Stannus, *J.A.I.*, 40, p. 309).

head, but it is not likely to be serious. (2) Cases in which the only condition to be observed is the repayment of the bride price.[1] These are included unless we are specifically told that the price is so heavy as in fact to make divorce difficult. (3) Cases in which incompatibility, neglect or ill-treatment on either side is sufficient, and (4) cases of mutual consent.[2] From these we distinguish (*b*) cases in which divorce is at the will of the husband, and here again we do not take a pecuniary penalty as a bar unless it is a serious practical obstacle. In some instances we are only told explicitly that the wife can leave at will, but in general we presume from the whole account of their relations that where she has this power, the husband has the same.[3] There are some instances, however, in which this assumption is not warranted, and here we have divorce at will of wife.[4] Thirdly (*c*) divorce may be allowed only under conditions—infidelity, desertion, barrenness, cruelty.[5] These are entered as "divorce conditioned." But the conditions may only apply to one party, *e.g.*, the husband may divorce his wife at will,

1. The Tagal wife must repay the price, and if she goes to another husband, her acquired property as well. If the husband leaves her he loses half the price (Blumentritt, *Z.E.*, 25, p. 20).

2. Where, as among the Mayombe (Overbergh, p. 254), the consent of the wife's father is required in addition to her own, we enter the case as "Conditioned."

3. Latcham (*J.A.I.*, 39, p. 359) implies that the Araucanian wife could leave her husband on returning the bride price. As she is stated to be definitely his property we presume that he could divorce her unconditionally.

4. Among some of the Irulas Harkness shows that the option of dissolving rested mainly with the wife (Thurston, vol. ii, p. 379).

5. It is impossible to illustrate fully as there is every variety. A case fairly typical of one group is that of the Basonge (Overbergh, p. 271), where the wife may be repudiated for notorious laziness, sterility, or adultery, and the husband for cruelty or attempting to sell her to a stranger. Another class may be exemplified by the Mundombe (Magyar, p. 23), where divorce is rare, only occurring when, after two years, there is no child. The most difficult cases to tabulate are those in which divorce is free till children are born and then limited or forbidden; *e.g.*, among the Natchez, according to Le Petit (*Jesuit Relations*, lxviii, p. 143) the husband could divorce at will till the child was born. After that there was no divorce. This is entered as "Conditioned." The case of the Kootenay, where the husband might return the bride within a year if dissatisfied, we have entered both under "Will of husband" and under "Conditioned" (Chamberlain, *B.A. Report*, 1892, p. 557). In British Guiana, according to Im Thurn, the husband can set his wife free though he cannot merely repudiate her after children are born (Im Thurn, p. 222). And among the Karayaki and the Sambioa, according to Ehrenreich, he must exchange her if he wishes to marry another (p. 27). In these cases we think the husband must, on the balance, be regarded as having the dissolution in his hands.

while the wife may leave him only if he is cruel or unfaithful.[1] We should table this as "divorce at will of the husband," and we have not been able to table separately the cases in which the wife has a compensatory conditional right. Lastly (*d*) marriage may be indissoluble, or the exceptions so rare that (as *e.g.* among the Veddas) they may be ignored.

Marriage and divorce are generally private affairs, concerning at most the kindreds of the parties. But in some instances the chief or the leading men are consulted about marriage, or the chief performs the ceremony.[2] In some cases too the chief or council adjudicates in divorce. We group these cases together under the head "Public control of Marriage." It must be admitted that the term "public" is sometimes of doubtful import. The old men whom we hear of frequently in Australia as being consulted, would not perhaps from the constitution of the Australian group, include more than the parents or grandparents—blood or "tribal" of the parties. On the other hand, they represent as much public authority as there is in the group, and it seems desirable in a first study on this point to include all doubtful cases. The chief ground of intervention by anyone other than the kindreds is probably the fear of overstepping some tribal barrier, and the complication of these in Australia would account for the frequency of such intervention in that region. Public control of divorce, where the public is really more than the elders of the two kindreds, is probably motived by a desire to keep the peace, and is a step towards public justice. We note also the cases where adultery of either party is a matter of public punishment, and have been surprised to find how numerous these are.

(5) *Relations of Husband and Wife.*

How are we to judge the relations of husband and wife, and the general position of women? The form of marriage throws some light on the question. Where a wife is bought without her consent, we cannot augur well of her status. Where marriage is by free courtship, it is reasonable to view it more favourably. When gifts are made to the parents and the girl's consent is required, the case is intermediate. But we have also a good deal of direct information as to the status of the wife. We do not indeed attach

1. The Yoruba husband can apparently divorce his wife at pleasure, while she, if systematically neglected, can secure her freedom by calling a palaver of her kindred (Ellis, *Yoruba*, pp. 186, 187).

2. Thus, according to Risley (vol. ii, p. 234), the permission of the circle Headman has to be obtained for every marriage among the Santals. The interposition of the chief or the Panchayet is particularly frequent among the Indian tribes. They also frequently deal with cases of adultery.

much importance to such general statements as that women are well treated, or ill-treated as the case may be. Such judgments depend on the observer's own standard, and the observer is generally a man. Further, how women are actually treated by the majority of men is one question; what rights are secured to them by custom and law is another. We therefore break up the question as far as possible. We ask (*a*) whether the husband has the right of chastisement, whether for adultery or other acts. (*b*) Whether the wife is protected either by law or by her kinsfolk. It will be found that in some cases the answer to both these questions is in the affirmative, the interpretation being that the husband's right of chastisement is limited either in degree or in regard to the reason justifying it.[1] We ask (*c*) whether the women do the harder work or whether the work is fairly divided.[2] And we note (*d*) definite statements as to the position of the wife being equal, inferior (−) or superior (sup.) to that of her husband.[3] Finally, under "Women in Government," we table cases where a woman may be a chief or may take part in a tribal council.[4]

1. *e.g.*, among the Kurnai, a husband might kill an unfaithful wife or make her a prostitute. Cases, however, occurred in which her relatives sought to avenge her. (Fison and Howitt, *K. and K.*, p. 258, cf. p. 206.)

2. In a fair number of instances we get explicit statements on the one side that women are drudges or do all the hard work, on the other that work is fairly apportioned. In the absence of such statements we may find that the men do the lighter or more interesting work such as hunting or trade, *e.g.*, among the Bali tribes (Hutter, p. 382) the land is worked by the women, who also fetch wood, prepare the food, and look after the children, while trade is said to be done by the men. Here we think the women do the hard work; but among the Bushongo, where the relations are similar but the men are described as the best artizans in Africa (*Annales*, Series III, Tome II, p. 175), we think work is fairly apportioned. Among the Haida where, according to Boaz, the men, in addition to hunting and fishing, cut the fuel and build houses, we think the distribution is fair. When Ehrenreich (p. 27) states that among the Karayaki certain forms of labour fall on the women, that she is no beast of burden, but the man also has his duties, we make no entry, nor do we think the statement of Im Thurn (p. 215) that work is pretty equal between the sexes in British Guiana, but women really do the more continuous drudgery, sufficient to justify an entry under either head.

3. We should enter a negative when, in spite of the good position of the woman, the man is definitely stated to be head of the family, *e.g.*, among the Karayaki and Sambioa (Ehrenreich, *Veroff. K.M.*, Bd. 1, p. 27 *loc. cit.*). In the case of the Warundi, where the husband and wife work together in the field, where a woman would not tolerate any ill-treatment, and is said to occupy a rank less inferior than among other negroes, we enter "Wife equal." (Burgt, p. 241.)

4. *e.g.*, among the Bushongo, the mother of the king is the first personage of the realm, women are represented among the chiefs, and in the council there are several (*Annales*, Series III, Tome II, p. 11). Among the

For bringing these results together the simplest available method is a system of marking. Each point "favourable"[1] to the woman may be marked 1, and each point that tells against her −1. More doubtful points may be reckoned as ½ either way. The algebraic sum would represent the status of the woman. Thus we should mark on the negative side 1 for a system of purchase, ½ for gifts, ½ for service, 1 for exchange, 1 for "consent not required," ½ for "relatives arrange marriage," 1 for divorce at will of husband. Marriage indissoluble, divorce at will of either, and "divorce conditioned" we do not reckon either way. We count 1 in the negative for "husband can punish," 1 for "women do hard work," 1 for "wife not equal," 1 for polygamy general, ½ for occasional. On the other or positive side, we should count 1 for monogamy, ½ for "wife protected" (as this may be only partial), but 1 for the denial of the right of chastisement to the husband, 1 for "work equal," 1 for "wife equal,"[2] 1 for "women in government." Thus if we have a case of occasional polygamy (−½), divorce at will of husband (−1), marriage by gifts (−½), wife protected (½) and work equal (1), the sum would be −½ and the status of women deemed on the whole slightly unfavourable. The result would be of little value for any particular people, but would seem to indicate the general condition in a group. It should be said that when the result is 0, it does not mean that the wife's position is equal to the husband's. It means only that it is moderately good.

To turn now to our results, we may take first the question of descent and the allied question of the residence of the family with the father's or mother's kin. We reckon every case of "matrilineal" and "patrilineal" descent as 1 even if they are combined, but if

1. That is, as judged by the ordinary standards of modern civilisation. Whatever the value of this standard the marking system will hold good as a means of comparing simple with modern societies.

2. "Wife equal" or "Not equal" are not reckoned separately if a point has been already counted *on the same side* in virtue of a statement as to the power of the husband or the work of the wife.

Warega they are admitted to the Assemblies and attain grades in the social hierarchy just like men (Delhaise, p. 193). Among the Bamsalala, though they can be chiefs and act as witnesses, they are said otherwise to have no rights (Desoignies in Steinmetz, p. 277). Among the Tsimshian, Boaz states that they can be present at councils if they are heads of families (see *B.A. Reports*, 1889, p. 812). Among the Oneida Iroquois, according to the *Jesuit Relations* (vol. 21, p. 101), a man and woman alternately held the rank of Peace-chief. Among the Wyandots (Powell, *S.M. Rep.*, i, p. 61) the gentile council consisted of four women chosen by the women who selected a male chief; and the gentile councils together constituted the council of the tribe.

one is said to be occasional only, we count it ½. We get the following totals out of 552 cases in which we have some information as to marriage :—

Matrilineal descent	87½
Patrilineal ,, ...	84
Matrilocal ,, ...	42½
Patrilocal ,, ...	52

It emerges at once that descent by no means determines the association of the children with the line through which descent is reckoned. The cases in which the couple live with the wife's people are less than half of those in which the descent is reckoned through the wife.

Apportioning cases of matrilineal and patrilineal descent to each economic grade, we get the following results :—

	Matrilineal.	Patrilineal.
Lower Hunters	23	14
Higher Hunters	14	12
Dependent Hunters	—	—
Agriculture[1]	5½	6
Pastoral[1]	3	6
Agriculture[2]	21	15½
Pastoral[2]	1	6
Agriculture[3]	20	24½

These figures as they stand suggest that the matrilineal system on the whole slightly predominates among the Hunters and the patrilineal decidedly among Pastoralists, while the two are nearly balanced among Agricultural peoples—the difference between successive grades within each class being of much smaller importance. To test the matter a little further we may bring in the cases of a matrilocal or patrilocal system, and, further, distinguish instances in which the two principles are combined from those in which they are separate. With this object we may make five heads :—

(1) Under the first we bring cases of matrilineal or matrilocal or both combined.
(2) Under the second patrilineal and patrilocal similarly.
(3) Under the third cases where matrilineal and patrilineal descent are conjoined.
(4) Under the fourth cases of matrilineal kinship with patrilocal marriage, and
(5) Under the last the converse case of patrilineal descent and matrilocal marriage. Of these it will be seen there are only two.

We get the following results :—

	I.	II.	III.	IV.	V.
L.H.	22½	8	7	0	0
H.H.	14	10	3	4	0
A^1	9½	7	0	0	0
P^1	1	4	2	0	0
A^2	19½	23	2	6½	0
P^2	0	6	1	0	0
A^3	14	18	8	1	1½

Grouping the last three columns as mixed systems, we have[1] :—

	Mat.	Pat.	Combined.	
L.H.	22½	8	7	=37½
H.H.	15	10	7	=32
A^1	9½	7	0	=16½
P^1	1	4	2	= 7
A^2	19½	22	8½	=50
P^2	0	6	1	= 7
A^3	15	18	10½	=43½
	82½	75	36	=193½

1. The peoples counted in each column are :—

I. Matrilineal and Matrilocal.

Lower Hunters :—Darling River, Murray River, Port Lincoln, Some West Australians, Dieri, N.S. Wales, Kamilaroi, Euahlayi, Mycoolon, Namoi River, Tatuthi, Wolgal, S. Queensland, Maryborough (occ.), Urabunna, Ngumba, Kabi and Waaka, K. George's Sound, Punan, Fuegians, Batua, Lushongo Batua, Veddahs.

Higher Hunters :—Kootenay, Kiowa, Seri, Montagnais, Yokuts, Point Barrow Eskimo, C. Eskimo, Chilcotin, Carriers, W. Nahane, Nootka, Tsitsaut, Abipones, Guaycurus, Italmen.

Agric. I :—Lengua, Yuracares, Roucoyennes; Shingu, Karayaki, British Guiana (some), Iroquois, Huron, Arunese, Veddahs.

Pastoral I :—Navaho.

Agric. II :—Sambioa, Bororo, Ges, Wyandot, Creeks, Woolwa, Natchaz, Seminole, Baquiri, S. Melanesians, Moanu, Caroline Islands, Maoris, Tongans, Hawaians, Fijians, Arunese, ? Kiangans, Pani Kocch, Sea Dyaks.

Agric. III :—Araucanians, Zuni, Sia, Tshi, Ewe, Bayaka, Wadigo, Ondonga, Duallas, Anyanza, Yao, Kasias, Dusun, Kayans of Mindalam, Garos.

II. Patrilineal and Patrilocal.

Lower Hunters :—Narranga, Narrinjerri, Port Darwin, Powell's Creek, Chepara, Arunta, E. Victoria, N.W. Australians.

Higher Hunters :—Klamaths, Oregon, Blackfeet, Assiniboins, Omaha, Tsekhene, E. Nahane, Shushwap, Coast Salish, S. Kwakiutl, Kauralaig.

Agric. I :—Macusi, Paravilhane, Ojibways, Dakota, Mohave, W. Torres Straits, C. Sakai.

The preponderance of the maternal principle in the first three stages comes out markedly, but it is subject to a certain discount in the case of the Lower Hunters. The Australian tribes generally seem, from the nature of their social structure to be patrilocal, *i.e.*, the family belongs to the father's local group. But this is not often explicitly recorded and therefore escapes our tables. If we transferred half the matrilineal Australians, of whom we have 16, to the intermixed group, the figures for the Lower Hunters would be 15, 8 and 15. This would reduce the correlation which appears on the surface of our figures, and for safety we may provisionally adopt it. Nevertheless if, taking these reduced figures, we group Hunting, Pastoral and Agricultural groups together, we get an interesting result :—

	Maternal.	Paternal.	Intermixed.
Hunters	30	18	22
Pastoral	1	10	3
Agricultural	44	47	19

Broadly, if we omit the intermixed cases, we see that the maternal principle predominates among the hunting peoples, the paternal in the pastoral stage, while among agricultural peoples the two are nearly balanced. The figures disprove the connection sometimes alleged between agriculture and the maternal system. They are not sufficiently marked to show that the maternal system is decidedly characteristic of the lowest cultures, but they suggest on

---

Pastoral I :—Kurds of Eriwan, Toda, Samoyedes, Dinka.

Agric. II :—Uaupe, Pawnees, Warega, Mangbetu, Mandja, ? Angoni, Limbu, Chakma, Santals, S.E. Solomons, Saa, Koita, Roro, Mekeo, Bartle Bay, New Caledonia, Woodlark Islands, Louisiades, Gazelle Peninsula, Mowat, Maclay Coast, Mafulu, ? Gilbert Islands.

Pastoral II :—Karak Kirghiz, Altaian Kalmucks, Baquerewe, Gallas, Somal, Danakil.

Agric. III :—Pima, Papago, Guatemala, Jekris, Warundi, Suaheli Wachagga, Amahlubi, Washambala, Basoga Batamba, Akamba, Segoo, Basonge, Waniamwesi, Wapokomo, Singpho, Ossetes, Suanes.

III. Combined.

Lower Hunters :—N.W.C. Queensland, W. Victoria, Kurnai, Gourn-ditchmara, Patwin, Lopari Batua, Andamans.

Higher Hunters :—Haidah, Tsimshian, Hupa, Thlinkeet, Lillooet, Bellacoola, Heiltsuk.

Pastoral I :—Khoi Khoin, Ova Herero.

Agric. II :—Banaka and Bapuku, Florida, Waga Waga, Trobriand Islands, Marshall Bennetts, Sulka, Bogadjim, ? Jabim, Marshall Islands.

Pastoral II :—Bogos.

Agric. III :—Bamsalala, Wagogo, Diakite Saracolays, Bambala, Yoruba, ? Kuku, Nossi Bé (occ.), Basonge Meno (occ.), Ababua, Baganda, Bahuana.

the whole that it wears away in the higher before the level of civilisation is reached, rapidly in the pastoral world, less decidedly among tillers of the soil.

The Form of Marriage.

Far the commonest method at all grades is that of giving a consideration for the wife, either in the form of true purchase, of gifts, of service, or of the exchange of bride for bride. Other methods are capture, free consent, the exchange of presents, the arrangement by relatives (where nothing appears as to any consideration, and consent may or may not be required) and arrangement by a chief. For these we get the following gross numbers:

All cases.	Consideration given.	Capture.	Exchange of gifts.	Consent.	Arranged by parents.	Public control.
434	303½	41[1]	18½	30	50½	11

These figures do not represent separate individual cases as some tribes practise both purchase or exchange of brides and capture. If we omit these tribes, we find 9 practising capture only with no mention of any consideration or arrangement by parents, and if we substitute that figure for 32½, we have a total of 422½ cases in which the form of marriage is tabled.[2] It should, however, be remarked further that the consent of the parties is here entered only in cases where it is the sole factor mentioned. This figure by no means corresponds to the number in which consent is required. The same thing is true of the 50½ cases arranged by parents, and of the 11 referred to public control.[3] There are many other cases in which the arrangement of the parents and relations enters in, indeed it may be assumed in some degree or other in all the 303½ cases in which consideration is given, but the 50½ here tabled are those in which all that our information shows us is that the parents had in fact arranged the marriage. It is probable that these cases should be added to the 303½, and if we do so, we shall find that out of 434 cases in all as to which we have information, marriage is

1. Cases of "occasional" capture reckoned as one. Reckoning them at ½ we get 32½ cases.

2. In addition there are 2 cases in which "no purchase" is our only entry, making 424½. As in some cases an instance is only reckoned as ½ we have rather a larger sum for the total cases in which the form of marriage is recorded, viz., 434.

3. On the other hand it is possible that in some of these the element of public control does not extend to the arrangement of marriage, but is concerned with divorce, etc. The figure means simply that in 11 cases we have no entry relative to the conclusion of marriage except public control which *may* have to do with it. This small figure is therefore a maximum. In any case it is exceedingly unlikely that public control is in reality the only factor.

either arranged by the parents, or arranged in virtue of a consideration given to the parents or relatives, in 355. It is even possible that the 18½ of exchange of gifts should be added to this number, as on the whole belonging to the category in which marriage is an affair between two families. These therefore exhaust by far the greater number of cases. There remain 9, which are purely a matter of capture, and 30 in which courtship or the consent of the two parties is the only factor of which we are informed. There is therefore little doubt that the general rule is that marriage in the primitive world is a family matter, in which, in the majority of cases, some consideration has to be given for the girl to her relatives.

We next show the number of cases in which a consideration is given in each grade, and the percentage which these constitute of the total number of tribes about whose marriage form we have any information :—

BASIS OF MARRIAGE.
CONSIDERATION GIVEN FOR THE BRIDE.

Names..	All cases.	Consideration given.	Fraction of total.
Lower Hunters ...	61	28½	.47
Higher Hunters ...	67	44	.66
Dependent Hunters	8	4	.5
Agriculture[1]	36	22	.61
Pastoral[1]	18	13	.72
Agriculture[2]	131	99	.76
Pastoral[2]	20	17½	.88
Agriculture[3]	93	75½	.81
	434	303½	.79

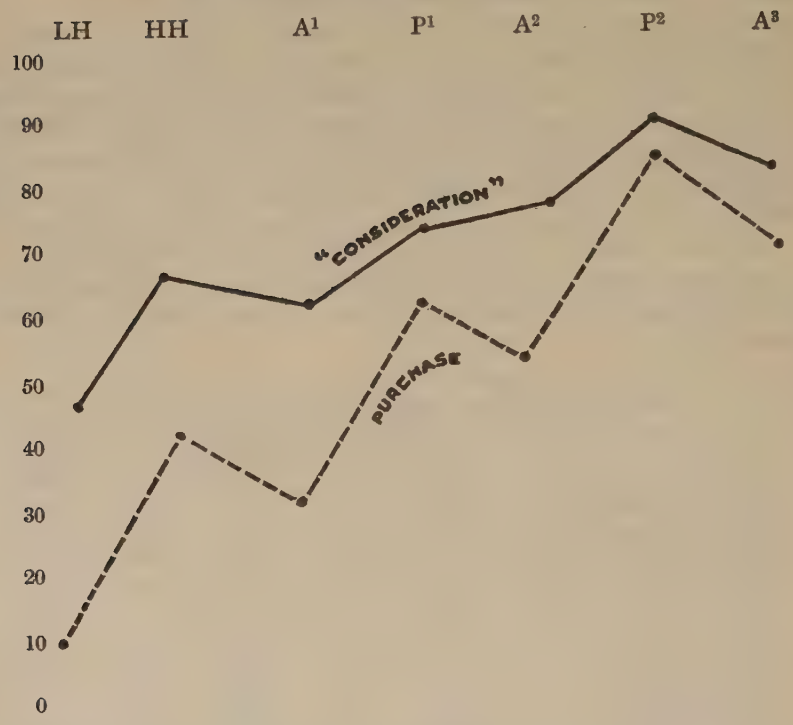
The figures show a marked increase in this method of constituting marriage with the advance of economic culture. But the increase is sharper in the pastoral as compared with the agricultural stages, as may be seen by the graph below.

The same relations are even more strongly marked when we distinguish purchase proper from other forms of consideration. We then get the following figures :—

	Purchase.	All cases.	Ratio.
L.H.	6	61	.10
H.H.	28	67	.42
Dep.	3	8	.38
A[1]	11	36	.31
P[1]	11	18	.61
A[2]	69	131	.53
P[2]	16½	20	.83
A[3]	64½	93	.69

The results may be displayed graphically.

"CONSIDERATION" AND "PURCHASE."



Thus purchase, and more generally, "consideration" are devices known to the lowest peoples, but increasing in importance with the advance in industry, and becoming almost universal among the higher pastoral peoples.

The exchange of gifts, on the other hand, bears no regular relation to industrial development, and the same is true of "consent" as the only condition. We find the following figures:

	Exchange of Gifts.	Consent alone.
Lower Hunters	2	2
Higher Hunters	10½	3½
Dependent Hunters	—	2
Agriculture[1]	1	7½
Pastoral[1]	0	3
Agriculture[2]	6	8
Pastoral[2]	1	0
Agricultural[3]	4	4

It is significant that there is only one case of exchange of gifts among the pastoral peoples. Of the 10½ among the Higher Hunters, all but one of which are in North America, it is possible that several should be referred to "consideration." But where gifts not amounting to purchase are made, it is not always possible to determine their real significance. We may say that this is a form which occurs sporadically everywhere.

Nearly the same thing is true of capture. We have altogether 32½ cases of "real" capture as distinct from "ceremonial," of which we have 19. We give the numbers in each grade with the total number dealt with side by side for reference:—

	Cases of Capture.	Numbers of Peoples.
Lower Hunters	14½	61
Higher Hunters...	4½	67
Dependent Hunters	0	8
Agriculture[1]	2	36
Pastoral[1]	2	18
Agriculture[2]	2	131
Pastoral[2]	½	20
Agriculture[3]	7	93

The figures show that capture is of importance only among the Lower Hunters, and here it is substantially confined to the Australians. It falls to a minimum with the second grade of Agriculture, but there is a slight recrudescence in the Higher Agriculture, 6 out of the 7 cases being in Africa.

The broad result of this part of the investigation is to show (1) the preponderance of the principle of a "consideration" to the kindred of the bride, (2) the growth of this preponderance with industrial advance, (3) in particular the growth of purchase proper, and (4) the peculiarly strong development of purchase in the pastoral state.

We may next look at the facts from the point of view of the bride and her relatives. We enumerate the cases in which the woman's consent appears to be generally required and those in which it is not required, and we have also the cases in which the statements show that the kindreds arrange the match though the question of the woman's consent is not clearly answered. We have 103 cases in which consent is required, and 81½ in which it is not required. We have also 93 cases in which relatives arrange the marriage which coincide in part only with one or other of the two

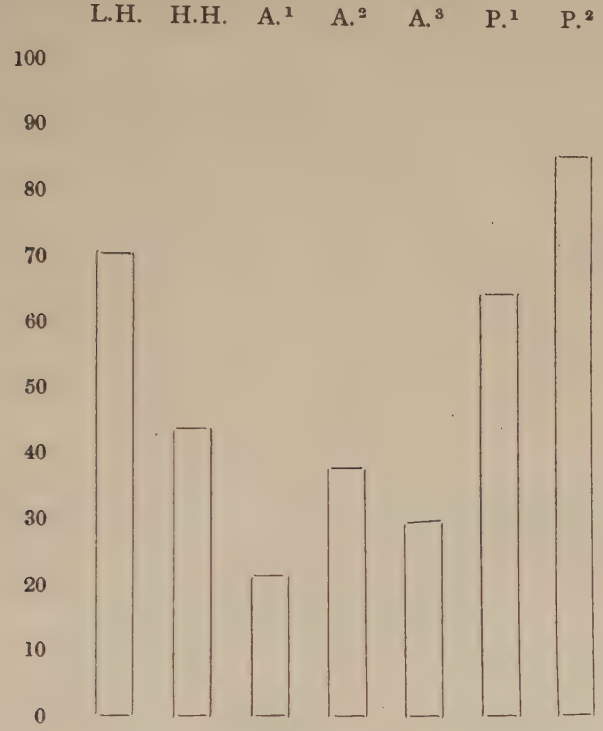
former headings. It will be best to confine ourselves to the two alternatives as to consent which as a whole give a slight preponderance to the side favourable to the woman. These are distributed as follows :—

	Consent required	Consent not required	Second column as fraction of total
Lower Hunters	8½	21	.71
Higher Hunters	14	11	.44
Dependent Hunters ...	2	0	.0
Agriculture[1]	14	4	.22
Pastoral[1]	4	7½	.65
Agriculture[2]	28½	19	.38
Pastoral[2]	1	6	.86
Agriculture[3]	31	13	.30
	103	81½	

These figures at first sight bear no relation to the industrial state, but if we distinguish the pastoral and agricultural peoples, we find an interesting result. The curve falls heavily from the Lower to the Higher Hunters, and again to the Lowest Agriculture. It rises in the Middle Agriculture and falls again to Agriculture.[3] On the other hand, it rises sharply for the pastoral peoples, in the higher grade of whom there seems to be only 1 people out of 7 which allows the consent of the bride to be a factor in determining marriage. Upon the whole there is a slow advance in the position of women in this respect as we pass from the lowest hunters to the agriculturists, with a pronounced reaction in the pastoral state. Within the agriculturists, owing to the favourable position in the lowest level there is no other correlation with the economic grade.

Consent.

Ratio of cases when it is not required to all cases recorded :



The Partners.

The following table shows for each grade the number of cases of Polygamy General, Polygamy Occasional, and Monogamy Regular. To the latter we subjoin the cases where Monogamy is indissoluble :—

	Polyg. Gen.	Polyg. Occas.	Monog. Reg.	Monog. Indiss
Lower Hunters ...	14	27½	6½	2
Higher Hunters ...	23	43½	4½	0
Dependent Hunters	3	5	1	0
Agriculture[1]	8½	27	10½	1½
Pastoral[1]	8	6	7	—
Agriculture[2]	60	54½	24	4
Pastoral[2]	13	4½	0	0
Agriculture[3]	58½	22½	10	1
Total	188	190½	57½	8½

It will be seen at once that the permission of polygamy is by far the most general rule, but (*a*) the extent of polygamy is much more variable, (*b*) there are scattered cases of monogamy in all grades

except the higher pastoral, while (*c*) indissoluble monogamy is most exceptional, but occurs in four grades.

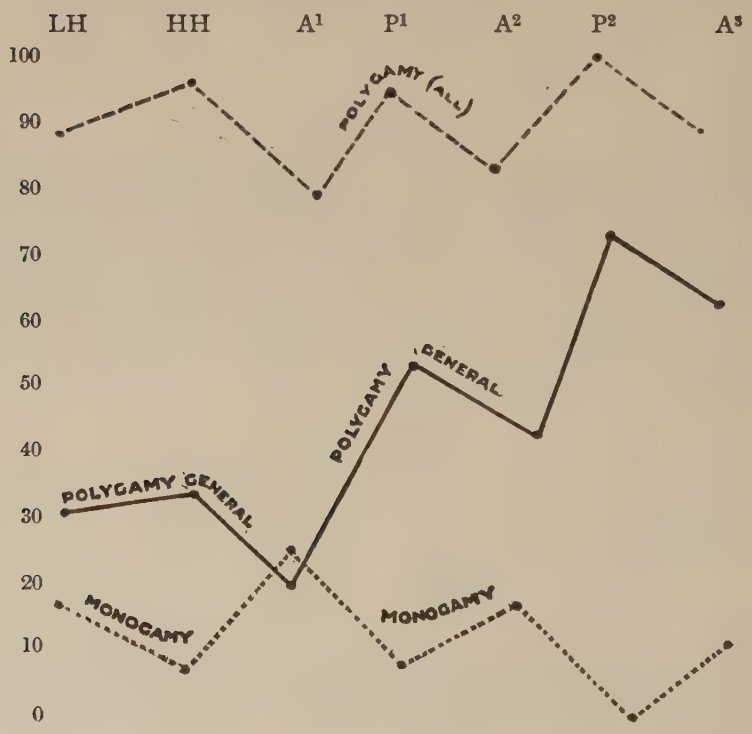
In the following table the above figures are reduced to percentages of the total cases in which there is a record under this head. The results are :—

CASES OF POLYGAMY, ETC., AS FRACTIONS OF THE TOTAL CASES RECORDED.

	Polyg. General	Polyg. Occasional	Monog. Regular
L. H.	.29	.57	.14
H. H.	.32	.61	.06
Dep. H.	.33	.555	.11
A^1	.18	.59	.23
P^1	.53	.40	.07
A^2	.43	.39	.17
P^2	.74	.26	.0
A^3	.64	.25	.11

We exhibit the first and third of these columns and the sum of the first and second in graphs.

MONOGAMY AND POLYGAMY.



It will be seen (*a*) that monogamy virtually disappears in the pastoral state. The single exception is the Tobas of South America as to whose classification we hesitated between the Higher Hunters and the Pastoral, such pastoral life as they have being an importation from the whites. (*b*) There is a fall of monogamy among the Higher Hunters and a rise among the lowest Agriculturists. Otherwise it remains at nearly the same level throughout the development from hunting to agriculture, the proportion among the lowest Hunters and higher Agriculturists being not very different.

On the other hand, the *extent* of polygamy as distinct from the recognition of it as good custom, increases almost continuously, only being more marked among the pastoral peoples.

As to monogamy, however, these results are subject to a doubt. If we look at the details for the Lower Hunters, we find that the great preponderance of polygamy is due to the Australians. But it may be argued, substantially, the Australians only represent one type of culture, and they ought not to be reckoned at least in this proportion. It is only the accident of nomenclature that makes us reckon the Semang as one people and the 31 Australian tribes, for which we happen to have separate information under this head, as 31. We ought rather to count them both as 1. This, however, would be an extreme in the other direction. It is in fact impossible to find any clear principle for enumeration except that on which our table is based. But in order to arrive at some conception of the possible limits of error it may be well to make a somewhat arbitrary assumption. Let us equate the Australians as a whole with the forest tribes of Asia and Africa as a whole, one culture type against another. This involves the reduction of the Australian numbers to the sum of the numbers for the Asiatic and African Lower Hunters (except the Bushmen) as to whom we are informed on this point. Then for the two forms of polygamy in Australia, instead of $31\frac{1}{2}$ we read only 11. In consequence the total numbers would be :—

	Polygamy allowed		Monogamy regular		Monogamy per cent
Lower Hunters ...	22	.....	$5\frac{1}{2}$	.....	20

This is a little less than the percentage for Agriculture[1] (while above that for Agriculture[2]), and would still leave the permission of polygamy by far the preponderating custom among the Lower Hunters.

But there is a further point. If instead of monogamy we enquire into monogyny, we have the important case of the Punans of Borneo, who are said by Hose to number 100,000 and to include

several groups, the Punans, Ukits, Sians, Bukitans, Lugats, and Lisums. Among these people there is no polygamy known within the tribe, but "polyandry occurs generally in cases in which a woman married to an elderly man has no children by him."[1] Polyandry therefore is not sporadic, but is a recognised custom. On the other hand, the people are monogynous apart from the influence of other tribes. If we suppose this statement to be true of all the very numerous groups into which these populations could be divided, it would be a heavy addition to monogyny in the scale which would by no means be represented fairly by a single mark. Considering the variations that we so often find even among closely allied groups, we cannot assign any precise numerical value to the Punans, but let us, for the sake of argument, take all the groups mentioned above as separate instances. We should then have to add six to our cases of monogamy to get the total for monogyny, and the results would be :—

	Polygamy allowed		Monogyny regular		Monogyny per cent.
Lower Hunters ...	22	.....	11½	.....	34

This is a much higher percentage than is found in any other grade, where the proportions would not be substantially affected by substituting monogyny for monogamy. There is in fact a partial tendency to monogyny, not throughout the Lower Hunters, but among the forest tribes of Asia and Africa. Of the Africans we have two cases of occasional polygamy and two of monogamy. In Asia we have two of polygamy and three and a doubtful one (the Sakai) of monogamy, besides the monogynous but polyandrous Punans. Elsewhere among the Lower Hunters (with an alleged exception in Australia) we have polygamy.

Thus the evidence does not make for the association of monogamy with the lowest culture, but only of monogyny with one particular form of that culture, and that only partially. We find monogamy here and there in every grade of culture except the pastoral, and the most that can be properly said is that there is more of it, at any rate more of monogyny, under the conditions of the jungle or forest life. On the explanation of this fact our authorities throw very little light. Probably the forces making for monogyny throughout the uncivilised world are two. One is the relative number of the sexes, as to which, in the absence of a census, we have no trustworthy information. The other is economic. First, poverty is against polygamy, as is seen on the reverse side by the constant gain of general over occasional polygamy as we

1. Hose and McDougall, ii, 183.

advance on the industrial scale. Secondly, the special conditions of the forest life, perhaps in particular the close association of family groups, and the related practice of assigning a specific cousin as a partner tells in favour of monogamy. Whether beyond these there are physiological reasons associated with the mode of life can only be matter of conjecture. But whatever the conditions making for monogamy, they recur throughout the world, though with less intensity in other forms of culture. In every grade, however, when considered as a whole they are seen to be overborne by the opposite forces making for polygamy. In a word, the permission of polygamy is the rule throughout the uncivilised world, its practice extending with industrial development but reaching a maximum in the pastoral state.

We subjoin the figures for Polyandry,[1] which show that it occurs sporadically in all grades, but everywhere as an exception :—

	Polyandry		Polyandry (Each doubtful and partial case reckoned as one)
Lower Hunters...	3	.....	5
Higher Hunters...	4½	.....	7
Dependent Hunters...	1½	.....	2
Agriculture[1]	1	.....	1
Pastoral[1]	1½	.....	2
Agriculture[2]	6	.....	9
Pastoral[2]	1	.....	1
Agriculture[3]	3½	.....	4
	—		—
	22	.....	31

1. The instances are :—

POLYANDRY.

Lower Hunters :—Dieri (occ.); ? Wakelbura; Urabunna; Punan (occ.); ? Port Lincoln.

Higher Hunters :—Seri (? formerly); W. Eskimo (occ.); Greenland Eskimo (occ.); Aleuts; Tsekhene; Koniagas.

Dependent Hunters :—Bataks of Palawan (occ.); Korumbus.

Agric. I :—Roucoyennes (servile).

Pastoral I :—Todas; ? Massai.

Agric. II :—Dophla (occ.); ? Santals; Lepchas (some); ? Massai; Marshall Islands; ? Maoris; Hawaians; Tahitians; ? Marquesas.

Pastoral II :—Bahima.

Agric. III :—Nossi Bé; Kasias; Badaga; Miris of the Hills (occ.).

Divorce.

The following figures show the total cases of divorce under the heads which we distinguish :—

	Divorce at will	At will of husband	Conditioned	At will of wife	Marriage indissoluble	Total
L. H.	8	5	5	0	2	20
H. H.	28	12	6½	1	0	47½
Dep. H.	2	0	3	—	—	5
A¹	15½	7½	5	—	1½	29½
P¹	6½	2½	3	0	1	13
A²	42	12	27½	1	4	86½
P²	2	3	2	0	0	7
A³	27½	19½	14½	—	1½	63
	131½	61½	66½	2	10	271½

In fractions of the total numbers recorded these figures give the following results :—

	At will	At will of husband	Divorce conditioned	At will of wife	Indissoluble
L. H.	.40	.25	.25	—	.10
H. H.	.59	.26	.14	.02	.0
Dep. H.	.4	—	.6	—	—
A¹	.53	.25	.17	—	.05
P¹	.5	.19	.23	—	.08
A²	.49	.14	.32	.01	.05
P²	.29	.43	.29	—	—
A³	.44	.31	.23	—	.02
Total	.48	.23	.24	.007	.04

Considering the small figures in some of the grades these results are more remarkable for constancy than for variation. Apart from the Dependent Hunters the most notable irregularities are (1) the relatively high proportion for indissoluble marriage among the Lower Hunters, which depends on two cases only, and (2) the lower rate for conditioned divorce among Higher Hunters. The constancy is still more notable if we add together on the one hand the fractions for divorce at will of the parties and at will of the husband as cases of looseness in the marriage tie, and on the other

cases of conditioned divorce and indissolubility as instances of the closer tie. We then get :—

	Unstable marriage	Stable marriage
L. H.	.65	.35
H. H.	.86	.14
Do. (including Dep. H.) ...	.82	.18
A^1	.78	.22
P^1	.69	.31
A^2	.67	.36
P^2	.71	.29
A^3	.75	.25
Total	.72	.28

Here, apart from the Higher Hunters, there is remarkably little change. Marriage is perhaps slightly more stable among Pastoral peoples than in the hunting and agricultural state. We may say that in the simpler peoples divorce is in seven cases out of ten either at the will of either party or by consent of both, subject perhaps to adjustment of the bride price, or at the will of the husband. In the remaining cases it is conditioned in various ways. In a very few cases marriage is indissoluble. Substantially there is no change in these respects as between one grade of culture and another.

Public Control of Marriage.

Some little further light on the conception of marriage may be derived from studying the intervention of authorities other than the kindred in the relation. This may be seen in the fact that a chief or the council have some say either in the arrangement of a marriage, or in divorce, or in the punishment of adultery. We group the first two cases together as "Public Control of Marriage," but it must be understood that in effect this may be very slight. Casting our net very wide we find only 41½ cases in all, very irregularly distributed. Of these 12 are from the Lower Hunters, and they must be regarded as very doubtful. We are told, *e.g*, that the consent of the "old men" must be obtained. Probably this means no more than that they decide whether the parties belong to the right classes. Even if it is more than this, the few old men in a little local group would probably be akin to one or other of the parties. However, we set down the figures for what they are worth, side by side with those for the "public" punishment of

adultery, which are larger than we expected to find. It is remarkable that there are four among the Lower Hunters, but it must be borne in mind that "public" here means in effect the elders of a primary group. Apart from these, and from a drop in the Higher Pastoral, they show a pretty regular increase with the industrial advance: —

	Public control	Public punishment
L. H.	12½	4
H. H.	1	1
Dep. H.	2	4
A^1	2	4½
P^1	2	2
A^2	17	14½
P^2	0	0
A^3	5	18½
	—	—
	41½	48½

The figures are probably significant rather of the general development of public justice than of any change in the nature of marriage. Adultery is throughout a main source of internal disorder, and for this reason, apart from any other, comes to be treated as a public offence.

At the same time, we may perhaps trace a slight tendency to increased regard for the chastity of women by bringing the above figures into relation with (*a*) those for wife lending, and (*b*) the condemnation, and (*c*) toleration of prenuptial unchastity.[1] The latter figures are affected by the manner in which we decide to treat cases in which there may be no general toleration of prenuptial relations, but a certain number of men have access to a bride, or to a girl under certain conditions, *e.g.*, in an Australian capture marriage all the men of the captor's party claim their rights. We treat these apart under the head of "ceremonial"—not enumerating

1. Under this head there are naturally many borderland cases. Often prenuptial relations are winked at rather than tolerated. Thus among the Bhuiyars, according to Crooke (vol. ii, p. 87), unmarried girls are free, but the lover if detected is fined by the council and made to marry her. We treat this on the whole as a formal prohibition of relations. On the other hand, among the Lepchas (Risley, vol. ii, p. 8) and some of the Singpho (Wehrli in *I.A.E. Supplement*, xvi, p. 28) a man may either marry a pregnant girl or compensate her relations. This rule does not, we think, override the general condonation of unchastity among this people and we enter them on the negative side.

all such cases, but only those in which such extra nuptial relations as are sanctioned belong to this type. We then get the following results :—

	Wife lending or exchange	Prenuptial unchastity condemned	Do. condoned	Ceremonial
L. H.	17	3	6	7
H. H.	10	3	13	1
Dep. H.	0	1	1	—
A^1	0	9	2	—
P^1	0	4	$2\frac{1}{2}$	—
A^2	6	16	27	—
A^3	$6\frac{1}{2}$	$18\frac{1}{2}$	15	—
P^2	2	2	1	—
	—	—	—	—
	$41\frac{1}{2}$	$56\frac{1}{2}$	$67\frac{1}{2}$	8

It will be seen that the cases in which prenuptial relations are condemned or condoned are nearly equal in number. There is no general tendency either way. To which side should we add the eight " ceremonial " cases? If we think of them in relation to the normal behaviour of men and women, to the first column; if in relation to the attitude of the society to sex questions, and the regard for the person of the woman, which is a matter going pretty deep into the life and feeling of a people, to the other side. So doing we may compare successive stages by putting the number of cases of condemnation as a fraction of the whole. We then have :

Cases of Condemnation as Fractions of all Cases Recorded.

L. H.	.19
H. H.	.18
A^1	.81
P^1	.61
A^2	.48
P^2	.66
A^3	.55

There is no constant tendency, but the agricultural and pastoral peoples are decidedly above the hunters. The figures for the Lower Agricultural and Pastoral stages are too small to be of any

special significance. But, taking the Pastoral stages together, it is noteworthy that on this side of the sex relationship we have none of that divergence of tendency from the agricultural stages which we have noted elsewhere. The lowered status of women here does not mean a disregard of their chastity, but probably a more proprietary view of their persons.[1]

We bring the information regarding chastity together in the following table. If in this table we adopt the device of assigning a mark to each grade of culture for a favourable point and a negative mark for an unfavourable point, we have a means of estimating the advance or retrogression as between stage and stage (cases of "ceremonial" unchastity are reckoned as a half point).

1. How far does prenuptial chastity depend on purchase or on the consideration for a bride? The following tables supply a partial answer:

"Consideration" and Prenuptial Relations.

	Cases	Prenuptial condoned*	Not condoned*	Condoned as fraction of total
Marriage by Consideration.....	303½	36	40	.47
By other methods.....	131½	15	16	.48

* Partial cases ignored, and 15 cases omitted which have no corresponding entry for basis of marriage.

This gives no advantage to marriage by consideration, so that if we knew that we had all the cases of consideration recorded we could safely deny that consideration has any effect on prenuptial chastity. But as there may be and probably is consideration in many of these cases we hesitate to draw any inference. Turning to purchase where the evidence being more definite our list probably accounts for a larger proportion of the true total, the figures are:—

	Cases	Prenuptial condoned	Not condoned	Condoned as fraction of total
Marriage by Purchase.....	209	30	24	.56
Other forms of consideration.....	95	6	16	.27
All other methods.....	226	21	32	.40

This gives an advantage to purchase, but much too small to favour the view that purchase is the cause of prenuptial chastity. At most, it would seem, it tightens up a pre-existing prohibition.

Of cases where marriage is by exchange of gifts we have only 4 in which the prenuptial relations are noted. In 3 of these they are condoned and in one condemned. This is certainly less favourable, but the numbers are too small to be significant. Of cases where consent is the only ground noted (including one in which capture existed formerly) we have 6 cases of condemnation and 3 of condonation), *i.e.*, a proportion even more favourable than that under purchase.

No certain inference can be drawn but the balance of probability is strongly adverse to any large claims on the part of purchase.

CHASTITY—POINTS.

	Positive		*Negative*	
	Punishment of adultery	Prenuptial unchastity condemned	Wife lending	Prenuptial unchastity condoned	
L. H.	4 ...	3 ...	17 ...	$9\frac{1}{2}$ ...	$-19\frac{1}{2}$
H. H.	1 ...	3 ...	10 ...	$13\frac{1}{2}$ ...	$-19\frac{1}{2}$
Dep. H. ...	4 ...	1 ...	0 ...	1 ...	+ 4
A^1	$4\frac{1}{2}$ ...	9 ...	0 ...	2 ...	$+11\frac{1}{2}$
P^1	2 ...	4 ...	0 ...	$2\frac{1}{2}$ ...	$+3\frac{1}{2}$
A^2	$14\frac{1}{2}$ ...	16 ...	6 ...	27 ...	$-2\frac{1}{2}$
P^2	0 ...	2 ...	2 ...	1 ...	− 1
A^3	$18\frac{1}{2}$ ...	$18\frac{1}{2}$ ...	$6\frac{1}{2}$ ...	15 ...	$+15\frac{1}{2}$

The result is to show a marked advance from the hunting to the highest stage of agriculture, broken only by a relapse in the second agricultural stage. The improvement in the pastoral stage is less marked, and in the higher pastoral stage there is a fall, but the numbers here are far too small to be of weight. On the whole the family life, as measured by this test, becomes more firmly consolidated as we advance.

It may be said, however, that the punishment of adultery reflects the growth of justice rather than the state of family life. If this be omitted we get far less regularity. The results are :—

L. H.	$-23\frac{1}{2}$
H. H.	$-20\frac{1}{2}$
Dep. H.	0
A^1	+ 7
P^1	$+1\frac{1}{2}$
A^2	−17
P^2	− 1
A^3	− 3

The exceptional position of the Lowest Agriculture disturbs what would otherwise seem a fairly constant tendency to a greater insistence on chastity. Perhaps the best view of the results is obtained by combining the balances for the groups of Hunters, Pastoralists and Agriculturists. We then have :—

Hunters	−44
Pastoral	+ $\frac{1}{2}$
Agricultural...	−13

The superiority of the Pastoral peoples is unfortunately based on very small numbers, but may very possibly reflect the general development of the patriarchal power. The superiority of both the higher stages to that of the Hunters seems clearly indicated.

The Position of the Wife.

Most of the points dealt with above affect the status of women in greater or less degree. In addition we have certain heads dealing specifically with the wife's position. The husband's right of chastisement, the protection of the wife, the division of work, general statements as to the equality or otherwise of the wife, and the admission of women to the council, or on occasion to chieftainship. Under these we get the following results:—

	Husband's right to chastise	Wife protected	Women do harder work	Work fair	Wife equal	Not equal	Women in Government
L.H.	18	6	11½	2½	2	2	1
H.H.	23	1	16	7	½	2	4
D.H.	1	1	1	—	—	—	—
A^1	9	0	10	0	2	3	1
P^1	3	2	4	0	1	0	1
A^2	14	13	24	9	4½	5	6½
P^2	1	0	5	3	3	4	1
A^3	13	6	15	5	4	5	5

It will be noticed that the cases in which the harder work falls on women are largely in excess of those in which it is said to be fairly divided at every stage. Similarly the few cases in which the equality of the wife is asserted are scattered through all the stages. The heading "wife not equal" has, it should be said, been used only to check entries under other columns. Thus, *e.g.*, we may have it stated that the wife is protected and that the work is fairly apportioned but that the husband is admittedly master in his house. In such a case we should enter a – under "wife equal." If, on the other hand, the inequality is already manifest we have left it alone. It will be seen that the cases in which we have found a clear statement that women take some part in government are very few—only 19 and one doubtful instance—and that they are scattered through the stages.

Putting all these points together and connecting them with the laws of marriage and divorce we have endeavoured to form a general picture of the position of women on the lines indicated above. The results are shown in the following tables. The first gives (1) the number of cases in which the position of women is *good*, this meaning that the sum of the points is positive; indifferent, meaning that it is zero; and bad, meaning that it is negative. (2) In brackets, the proportion per cent. of such cases to all on which any relevant information was obtained. In the second table (1) the net marks, positive or negative, assigned to each people of each group are added up, and the sum is stated. Thus

for the Lower Hunters, while there are 13 positive cases, they share among them 17½ points. There are 59 negative cases with 141½ points. Finally the sums so arrived at are combined so as to give the total net mark of the group, and we then calculate what proportion per cent. the negative and positive respectively bear to the whole.[1]

Position of Women.

	Cases.			Points.	
L.H.	Good.	Indifferent.	Bad.	Good.	Bad.
N.A.	2	—	4	1½	8½
S.A.	0	—	2	—	5
Asia	6	1	3	10½	5
Africa	4	—	3	5	3½
Australia	1	—	47	½	119½
	13 (.18)	1 (.01)	59 (.81)	17½ (.11)	141½ (.89)
H.H.					
N.A.	6	3	55	5	98½
S.A.	1	2	11	2	23
Asia	2	—	5	1½	10½
Oceania	—	—	1	—	1
	9 (.10)	5 (.05)	72 (.86)	8½ (.06)	133 (.94)
Dep. H.	1 (.08)	2 (.17)	9 (.75)	1 (.09)	10 (.91)
A[1]					
N.A.	2	2	7	2	13½
S.A.	4	2	14	2½	20½
Asia	6	1	14	9	24½
Oceania	1	—	1	3	1
	13 (.24)	5 (.09)	36 (.67)	16½ (.22)	59½ (.78)

1. After drawing up these tables on the basis explained above (pp. 148–150), we took into account the points as to inheritance which we obtained in dealing with property. We examined whether inheritance went to the males only, or to females as well, and tabled the cases under each class. There were two or three doubtful cases in which, in default of a long series of heirs male, women might possibly inherit, and these we thought ought on the whole to be tabled as " males only " rather than the reverse, as in all ordinary instances that would be the rule. We then revised the first tables, adding a plus mark when women might inherit and a minus mark where they might not. But we found little material difference, and we give the final table only in which inheritance is reckoned.

	Cases.			Points.	
P^1	Good.	Indifferent.	Bad.	Good.	Bad.
N.A.	—	1	—	—	—
S.A.	0	—	1	0	$3\frac{1}{2}$
Asia	1	—	8	$\frac{1}{2}$	22
Africa	2	—	7	2	12
	3 (.15)	1 (.05)	16 (.80)	$2\frac{1}{2}$ (.06)	$37\frac{1}{2}$ (.94)
A^2					
N.A.	3	1	9	$1\frac{1}{2}$	$11\frac{1}{2}$
S.A.	6	1	17	6	21
Asia	13	5	36	16	54
Africa	3	2	30	$3\frac{1}{2}$	64
Oceania	6	7	31	$8\frac{1}{2}$	48
	31 (.18)	16 (.09)	123 (.72)	$35\frac{1}{2}$ (.15)	$198\frac{1}{2}$ (.85)
P^2					
Asia	0	—	8	—	$23\frac{1}{2}$
Africa	1	—	11	1	25
	1 (.05)	0	19 (.95)	1 (.02)	$48\frac{1}{2}$ (.98)
A^3					
N.A.	6	0	4	$11\frac{1}{2}$	$6\frac{1}{2}$
S.A.	0	—	1	0	5
Asia	10	2	23	$10\frac{1}{2}$	$39\frac{1}{2}$
Africa	5	3	56	5	$143\frac{1}{2}$
Oceania	0	—	1	—	$2\frac{1}{2}$
	21 (.19)	5 (.05)	85 (.77)	27 (.12)	197 (.88)

Summarising the resulting fractions we have :—

	Cases.			Points.	
	Good.	Indifferent.	Bad.	Good.	Bad.
L.H.	.18	.01	.81	.11	.89
H.H.	.10	.05	.86	.06	.94
Dep. H.	.08	.17	.75	.09	.91
A^1	.24	.09	.67	.22	.78
P^1	.15	.05	.80	.06	.94
A^2	.18	.09	.72	.15	.85
P^2	.05	0	.95	.02	.98
A^3	.19	.05	.77	.12	.88

The broad result of these tables is to show (*a*) that the position of women is unfavourable at all stages; (*b*) that the variations are not very great, considering the inevitable roughness of our method; (*c*) that as far as our methods allow us to draw an inference, it is slightly better in the agricultural societies than among the Hunters, while among the Pastoral peoples it is, on the whole, rather worse; (*d*) that the variation is not constant in the direction of the more advanced culture. While the first stage of agriculture is decidedly more favourable than those of the hunting peoples, the higher stages of agriculture show a partial reaction. We ought not, however, to lay too much stress on this point as it is largely dependent on the special constitutive elements of the third agricultural stage. Among the African agricultural peoples the position of women is on the average much below their position in the corresponding stages in Asia and America. But Africa supplies 64 out of the 111 cases of A^3 and no case of A^1, and the African cases account for no less than 56 out of the 85 " bad " cases of A^3. The difference between the two stages is thus dependent on a geographical and perhaps a racial factor, which we have not been able to analyse further. However, on our figures, there is some decline in the highest agricultural stages. In the higher pastoral stage the decline is marked. In the two independent hunting stages also the higher is less favourable than the lower.

But while there is no constant correlation with advance of culture, there is a slight correlation with the general type of culture. This appears more clearly if we combine the two independent hunting stages, the two pastoral, and the three agricultural.

A more serious doubt affects the Lower Hunters. Their negative preponderance is almost entirely due to Australia which, as we have seen, is overweighted numerically as compared with Asia where the conditions are favourable. It is impossible to make any accurate allowance for this unevenness, but to measure roughly the discrepancies introduced by it we may adopt the same device as above of reducing the Australian total to that of the Asian and African forest tribes. We then get 12½ positive cases, 1 indifferent, and 28 negative for the Lower Hunters; or in fractions :—

.30 .02 .67

This would be the most favourable proportion in our list but would still leave the main facts unchanged. Nor could we reasonably infer that the condition of women is really better in the lowest culture, since so many of the North and South American Higher Hunters are separated by a very thin line from the Lower. The best criterion is to take the Hunters as a whole and compare them

with the Pastoral and Agricultural as wholes. On our original figures the results are :—

POSITION OF WOMEN.

	Cases.			Points.	
	Good.	Indifferent.	Bad.	Good.	Bad.
Hunters	22 (.14)	6 (.04)	131 (.82)	26 (.09)	274 (.91)
Pastoral	4 (.10)	1 (.025)	35 (.875)	3½ (.04)	86 (.96)
Agric.	65 (.19)	26 (.08)	244 (.73)	79 (.15)	456 (.85)
Total ...	91 (.17)	33 (.06)	411 (.76)	108½ (.12)	816 (.88)

If we take the " reduced " figure for the Lower Hunters it will give for the Independent Hunters combined :—

	Positive.	Zero.	Negative.
Cases ...	21½	6	100
Proportions	.17	.05	.78

The proportions are still somewhat less favourable than those of the agricultural stages, but the difference is too small to emphasize. We shall be safest in regarding the condition of women as apart from local variations broadly the same throughout the hunting and agricultural stages, and as varying for the worse in the pastoral.

The regional influence is in fact more marked than the cultural. Adding together all the cases in each of six regions we obtain the following proportions of positive, negative and zero results :—

	Positive.	Zero.	Negative.
Asia ...	.26	.07	.66
Oceania ...	.15	.15	.71
S. America ...	.18	.08	.74
N. America ...	.18	.07	.75
Africa ...	.12	.04	.84
Australia ...	.02	0	.98

While the difference is not sufficient to disturb the heavy preponderance of the negative cases in all the great regions, it is sufficient to indicate that local causes of whatever kind have counted for much. This would of course be still more apparent if we were to divide Asia, for example, into compact cultural areas.

On the whole we may say that, in spite of minor local or cultural variations, whether we take the great regional or cultural divisions, the main results are the same. The position of women in the simpler societies is not favourable as judged by modern standards;

there is no substantial change according to grade or type of culture except that the unfavourable tendency is accentuated in the pastoral state; there are also regional variations, the difference between Asia on the one hand and Africa and Australia on the other being marked; but the preponderance of the negative type holds throughout.

Finally, we have considered the cases in which peoples are entered as Patrilineal or Matrilineal in connection with the resulting mark in each for the position of women. The result we exhibit in the following table[1]:—

	All Cases.	Patrilineal.	Matrilineal.
Good	92 ...	5 (.08) ...	10 (.15)
Indifferent ...	35 ...	2 (.03) ...	6 (.09)
Bad	419 ...	56½ (.89) ...	50½ (.76)
Total	546 ...	63½ ...	66½

The relations may be simply seen by showing the favourable cases as a fraction of the total under each head. The result is as follows:

FAVOURABLE CASES AS FRACTION OF THE TOTAL.

All Cases.	Patrilineal.	Matrilineal.
.17 ...	.08 ...	.15

Comparing the Patrilineal and Matrilineal only this would show a considerable advantage for the Matrilineal, but this result is discounted when we find that the proportion for all cases is higher than that for the Matrilineal alone. The result is that no clear inference can be drawn from the figures at our disposal.

1. Cases which are both patri- and matrilineal disregarded and locality of marriage not considered.

APPENDIX I.

Lower Hunters.	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Pur
Swan River									
(87) N.W.C. Queensland		Some		Some +					
(92) Victorian Tribes		+							
Darling River									
(97) Port Lincoln	+				+				
W. Australia (Some)		+							
Bangarang		+							
(98) Dieri	+								
(88) N.S. Wales I.		+					+		
(89) W. Victoria		+					+		
Kamilaroi		+							
(90) Kurnai	+								
(96) Gournditch Mara	+								
Geawegal		+							
Narrangga									
(91) Waimbaio		+							
(95) Narrinjerri	+								
Queensland (Some)									
Euahlayi		+			+				
Mycoolon	+								
Port Darwin		+							
Powell's Creek	+								
N.S. Wales II.	+								
Tatathi									
Theddora									
Wolgal									

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Prenuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
		+										
		+	+	+		+	Cere.					
+	+					−		+				
+	−	+							+			
+	−											
+				+				+	+			
+	+		+						+		−	
	−	+				+						
+	−	+	−	+	+	+	Cere.	+	+			
+	−	+	+		+	+	+		+			
					+	+		+				
	−		+	+		+	Cere.					
+	−			+		−						
+	−			+		+		+				
+					+	+		Occ.				
						+	−					
+	−					Some			Some			
		+				+		Occ.				
+			+	+			+					
	−			+				Occ.				
+								Occ.				
	−					+	+	Occ.				
+								Occ.				
+												
+	−											

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Pur
Wallaroi -									
S. Queensland -									
(99) Wakelbura -									
Maryborough -		+							
Turbal - -									
(101) Wotjobaluk -		+							
(101) Jupagalk -									
(101) Mukjarawint -									
(93) Jerkla-Mining -									
Yuin - -		+							
Gringai - -									
Chepara - -		+							
Urabunna -		+							
Arunta - -									
Ngumba - -		+							
(94) E. Victoria -		+							
Kabi and Waaka		+							
Herbert River -	+								
Tasmanians -		+		+					
K. George's Sound	+								
N.W. Australia									
N. Queensland -					+				
Watchandee -									
Riverina - -	+				+				
Kubu - -		+		+					
(26) Semang - -			+				+		
(26) Sakai - -			?				+		
Negritos of Camarines	C.								

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
+												
+							Cere.					
+	−							Occ.				
+								+				
+												
+						−						
							Cere.					
+	−	+				Occ.						
+		+				+						
+	−							+				
	−	+				−						
+				+		+	Cere.					
		+										
+								Cere.				
+				+				Occ.				
+				+				+	+			
								+	+		−	
+				+				Occ.	+			
+	+											
			+	+		+	−					
	−	+		+			Cere.	Occ.				
+	−						−					
	+										+	
?								Cere.				
?								Cere.			+	+

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Pu
Negritos of Negros									
Negritos of Angat			+				+		
Negritos of Albay									
Andamans			+					+	
Punan	–	–			+				
Botocudos		+		+					
Fuegans		+		?					
Patwin									
Wintun		+		+					
Miwok									
L. Californians (Guaicuri, Cochuri)		+							
Pericui	+			+					
Shoshone		+							
Bushmen	+			+					
Batua		+		+					
(64) Tanganika Batua			+						
(64) Wambuti of Ituri			+						
Watua of Irundi									
(64) Congo Pygmies		+							
HIGHER HUNTERS.									
Kootenay		formerly			+		+		
Haidah		+			+				
Tsimshian		+							
Klamaths (Oregon)		+							
Karok			+						
Hupa	+				+				
S. Californians		+		+					
Kiowa		+		+					

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
				+				Cere.	+			
Occ.							−			+		
−	+	?					−			?		
	?			+					+			
	−			+		−						
				+								
	+											
	−					+		Occ.	+			
+	−									+		
	+					+						
	+											
						+				+		+
												+
								Occ.				
							−		+			
			−				+					
+				+								
	+			+								

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Pur
(6) Seri	+		? formerly						
Blackfeet	+				+				
Semilkameen		+		+					
Luisenos		+							
Micmacs		+							
Etechemins		+							
(5) Montagnais		?		+					
Kiskikons		+							
Otawa		+							
Crees		+							
Naskopie		+		+					
Apache	+								
Comanche	+								
N. Mexicans		Some							Mo
Thompson River		+							
Assiniboins	+				+				
Petawet									
(2) Pomo									
Gallino Mero					+				
Wappo							+		
(3) Shastika									
(4) Pit River		+							
Nishinan				+					
Yokuts									
Omaha		+		+					
Kauralaig	+			?					
W. Eskimo	+								
Pt. Barrow Eskimo		+		+					

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
	+						Cere.					
+	−			+								
				+								
				+					+			
				+					+			
				+						+		
						+						
	−			+					+			
				+			+					
	+			+			−	Occ.				
+	+			+				Occ.	+			
							−					
				+	+							
	−			+								
				+			formerly					
	+		+	+								
	+			+			−					
+						+			+			
+				+		+	−			+	−	

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Purcha
Behring Str. Eskimo	+			+					
Central Eskimo		+		+					P
Greenland Eskimo		+		+					P
Labrador Eskimo		+		+					P
Aleuts	+				+				
Loucheux		+							P
Chepewayans	+			+					
Kenai		+				+			S
Chilcotin	+			+					
Carriers	+			+					S
Tsekhene	+			+					
E. Nahane	+			+					
W. Nahane	+			+					
Thlinkeet		+							G
Nootka		+		+					
Lkungen									
Shushwap		+							
Lilooet	+								
Nez Percés	+								
Kaviaks		+							
Malemutis			+	+					
Some Koniagas									
Sarcees	+			+					
Tsitsaut									G
Coast Salish		+							
Kowitchan									
Balla Coola				+					
Halokmelen									

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
+				+		+						
+				−		+						
						+	−	+				
	−					+	−	+				
						+	−					
				+					+			
				+			−					
									+			
+	+											
	−											
+	+											
+	+											
+	+											
				+						+		+
+												
+												
							−					
							−					
	+			+								
										+		+
+												
+												

	Poly-gamy general	Poly-gamy occas-ional	Mono-gamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce condi-tional	Mar-riage indis-soluble	Purc
Niska									
Heiltsuk		+					+		
(1) S. Kwakiutl		+					+		
(15) Pampas		+							
Puelches		+							
(10) Abipones		+			+				
Coroados		+							
Puri	+								
Zaparo		+		?	+				
(12) Guaycuru			+	+					
Charrua		+		+					
Coyatacaz	+								
Mura	+								
Mocovi & Villela									
(14) Tihuelches		+					?		
Minuane		+					+		
Payuga				+					
N. Chaco (Chamacoco)			+		+				
Ghiliaks		+		+					
Tuski		+							
Nicobarese				+					
Manobos of Rio Bay		C.							
Italmen	+				+				
Gold		+			+				
Perak Sakai		?					+		
DEPENDENT HUNTERS.									
Yanadi	+			+					
Bhuiyar	+						+		P.

ge nts	Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Prenuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
									Cere.				
		−							+	+			
		−											
		−											
							+						
										+		−	
		−								+			
											+		
		−											
										+			
										+			
		+						−		+			
	+											?	
										+			
		+											
					+			−			+		
	+	−								+			
		+	+										
		+						−					
				+		+		+	Cere.				

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Pur
(23) Korwa		+					+		
Niadi			+						
Kardar		+							
Bataks of Palawan		+					+		
Katodi									
Chenchu		+							
Bonthuks									
Korumbus									
(30b) Irulas		C.		+					
Villees	C.								
AGRICULTURE I.									
Guana		+		+					
Lengua		+			?		?		
Paravilhane		+							
Mauhes		+							
Marana		+							
Ucayali	+								
Mbaevera		+		+					
Karayaki		+			Ex.				
Paumari			+						
Ipurina		+							
Yuracares		+		+					
Mataguayos									
(11) Roucoyennes		+		?	+				
Charantes			+						
Coropo									
Manao	+								
(16) Mataco		+					+		

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
		+			+							
		+										
									+			
+												
				+	+							
	+											
	+									+		
	+											
		+			+							
								+	+			
	+			+			+				−	
	+							Cure.				
	−						+		+			
									+			
				+								
				+								
									+			
	+			+								

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Purchs
Shingu			+	Some					
British Guiana	Some				+				P.
(17) Macusi			+		+				P
Ojibways	+						+		G
(7) Dacota		+			+				G
Mandan	+								
Iowa		+							
Hidatsa		+		+					
Mohave									
Algonquins (Quebec)		+		+					
(8) Iroqois		+		+					G
Huron			+	+					
Delaware		+		+					G
Abnaqui		+		?	+				
Guaymi	+								G
W. Torres Straits	+			?					P
Baining									–
Ainu	+				+				
Bheels									P
(19) Lushai				+					P
Soligas		+							
Jakun			+	+					
Negritos of Zambales		+					+		P
Manobos of Agusan		C.							P
Zambales or Tinos	+								
Paniyans		+							G
Arunese				?					S
Orang Bukit			+					+	

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
									+		−	
							+				−	
							+					
+	−			+			+		+			
	−			+			+		+			
	+											
+					?		+					+
	+											
	+						−					
	+			+			−					
	+										+	
+	+			+	+				+			
+								+				
							+	Cere.	+			
	+							?Cere.				
+	−											
									+			
+					+							
+				+								

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Pu
Mantra		?	?	+					
Cookies		C.							
Marias									
Juang		+							
Kubu		+		+					
Candios			+						
(26) Perak Sakai		?					+		
(26) Central Sakai		+		Gen.			Some		
(26) Kuala Kurnam Sakai			+						
Birhor									
Vedda			+					?	I
PASTORAL I.									
Aeneze		+		+					
Kurds of Eriwan		+		+					
Youruk	+								
Toda	Now				+				
Samoyedes		+		+					
Abakan Tartars				+					
Chewessures				+					
(30) Kabards					?				
Buriats		+							
(49) Beni Amer		+		?					
(48) Masai	+							+	
(51) Colonial Hottentots	+								
(52) Khoi Khoin		+							
Batauana	+								
(53) Dinka	+						+		
(54) Ovaherero							+		

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
		+										
							+	Cere.				
+								Cere.				
					+							
+	+											
Some	+											
+												
+											+	
	+											
	−			+				+				
+	?−	+					−					
	−								+			
	+						+	formerly	+			
				+			+					
	−						−					
+							+					
	−				+				+			
	+				+							
	+						+					
+	−	+	+				?−					

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Pu
Mundombe	+						+		
Tobas			+		+				
Navaho	+			+					
AGRICULTURE.									
Sambioa		+			Ex.				
Guarayos	+								
Mundrucu		+							
Uaupe		+							
Chiquito		+							
Moxo	+			+					
Bororo		+							
Sivaros	+								
Apiaca	+			+					
Jumana									
Chambioze			+						
Chiriguano		+							
Gagua			+						
Manctanares									
Tapuya			+						
Yonca and Boni	+			+					
(13) Ges			+					+	
Içanna		+							
Guatos	+								
Campas		+							
Tapui		+							
Curetu			+						
Paressi			+						
Uanambuas		+							

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
	−		+									
	−			+					+			
											+	+
	+			+			+				−	
	−						−				−	
								Cure.				
	+			+			−	Occ.				
				+								
									+			
	−											
											+	
							+					
				+								

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Pure
Chicknees			+		+				
Illinois		+							
Wyandot		+							
Towka		+							
Continental Caribs	+								
(9) Creek		+		+					
Pawnees									
Caribs (17th cent.)	+				+				
Tarahumare									
Tepehuane			+				+		
Woolwa		+							
Natchaz	+						+		
N. Mexicans (Some)	+								
Seminole		+		?	+				
Bageshu	+								
(68) Basoga	+								
(69) Wafiomi	+				+				
(70) Wambugwe			+						
Bateke									
(34) Warega	+			+					
(35) Mayombe	+						+		
(37) Mangbetu	+			+					
Bangala	+				+				
(55) Bali			+						
Mandja	+						+		
Tuchilange	+								
(56) Mundombe	+						+		
(57) Azande	+			+					

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
									+			
	−											
		+			+		+					+
	+						−		+			
							+		+		−	
	+	+					−					
+		+			+		+					
+											+	
	+					+						
	+											
+	+						+			+		
	+											
										+		
				+					+		−	
			+								+	+
	−											
	−				+							
+	−					+			+			
+	?+								+			
	+			+		−					−	
	−		+									
+	−			+						+		

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Pu
Adio - - -	+			+					
(58) Abandia - - -	+			+					
Baquiri - - -	+						+		
Bondei - - -	+				+				
Wanyaturu - -	+				+				
Wawira - - -		+							
Maravis - - -	+			?					
(59) Quissama - -			+						
(60) Angoni - - -	+								
Lendu - - -									
Latuka - - -	+								
(61) Kunama and Barea -		+		+					
Fang - - -	+								
Yaunde - - -	+								
Niam Niam - -	+								
(63) Monbuttu - - -	+								
Bayanzi - - -	+								
Banaka and Bapuku -	+				+				
Wadoe - - -									
Baluba - - -	+								
(45) Masai - - -	+							+	
(73) South Melanesia -	+			+					
Florida - - -	+			+					
Bugotu - - -	+			+					
S.E. Solomons - -	+			+					
Sa - - - - -	+			+					
Malo - - -									
Koita - - -	+						+		

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
+										+		
	−											
+	−											
	+				+							
+					+					+		
+					+				+			
	+				+				+			
										+		
					+							+
	−						−					
							−		+			
							−		+			
		+										
											?	
							−					
	−		+			+						
+												
+												
	−								+			

	'Poly-gamy general	Poly-gamy occas-ional	Mono-gamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce condi-tional	Mar-riage indis-soluble	Purcha
Roro - - -									+
Mekeo - - -									+
(74) Wagawaga and Tubetube									+
(75) Bartle Bay - -		+					+		
Trobriand Islands -		+							
Marshall Bennett Id.		+							G
Woodlark Island -		+							G
Louisiades - -									+
New Hebrides - -									+
(76) New Caledonia -	+			+					G
Gazelle Peninsula -		+		+					+
Sulka - - -									S
N. New Mecklenburg		+		?	?				
S. New Mecklenburg		+							+
Moanu - - -	+								?
Motu - - -			+						G
(77) Mowat - - -	+								E
Naaiabui - - -	+								+
Bogadjim - -	+								+
Maclay Coast - -			+				+		+
Mafulu - - -	+			+					+
(78) Jabim - - -		+		+					+
Caroline Islands -		?		+					S
Marshall Islands -	+			?	?		?		
(80) Pelew Islands - -		+		+					
(79) Gilbert Islands - -					+				D
Murray Island - -		+							

ge nts	Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
		+				Occ.				+			
		+											
				+						+			
				+						+			
				+									
										+			
										+			
										+			
		−											
	+												+
											+		+
	+			+									
		+						−					

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Purchase
Maoris	+			+					
(81) Rotumians	+						?		
(82) Tongans		+		+					
(83) Rarotongans		+		+					
(84) Hawaians		+		+					
(85) Tahitians		C.		+					G.
(86) Marquesas		+		+					
Fiji	+								G.
Samoa		+		+					
Paharia	+								
Kandhs									P.
Kachari									P.
Limbus									P.S.
(21) Chakma							+		P.
Kols		+			+				P.
Kharwar	+						+		P.
N.W. Kols		+					+		
Majhwar		+					+		P.
Gonds (some)		+							P.S.
(24) Dhimals		+							P.
Maghs	+						+		P.
Kaupuinagas		+					+		
Kolyanagas				+					G.
Sea Dyaks			+				+		G.
Nicobarese				+					
Waralis			+						P.
Dodonga		+							P.
Mentawez			+					+	P.

Ex-change of gents	Relations' arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
-	+	?			+			−		+			
	+		+					−			+		
								−			+		Occ.
	+									+			
-	+						+	−					
	Some	Some					+	−					
	+							−		+			
	+									+			
	+												
		+						+					
		+											
									Cere.				
	+	−	+	+	+	+							
		+						+		+			
		−	+			+		+					
			+					−					
	+	−	+			+		+	Cere.				
		−	+		+			+	Occ. & Cere				
			+										
	+			+				−		+			
	+	+			+			+					
		+		+				+					
		+											
					+								

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Purchase
Arunese				?					S.
Irulas		+				+			P.
Kiangans			?	+					P.
Teleuts									P.
Land Dyaks			+	+					
Red Karens							+		P.
Samales	+								P.
(28) Bontoc		+							—
(29) Tagals				+					P.
Subanos		+							P.
Dophla	+								
Oraons									P.
(20) Pani Kocch			+						
(22) Santals		+					+		P.S
(24) Tharu N.W.		+					+		
(24) Tharu of Bencal	+			?					P.
Khonds		C.		+					P.
Kei		+		+					P
Flores							+		P.S
Engano		+					?		G.
Italones			+					+	
Catalaganes				+					
Calinga			+	+					
Lepchas		+					+		S
Toungtha			+				+		
Tipperah							+		S
Lahupa Nagas		+					+		
Ao Nagas			+						

k- nge ents	Rela- tions arrange mar- riage	Consent required	Public control of mar- riage	Wife pro- tected	Husband can punish wife	Public punish- ment of adultery	Wife lent or ex- changed	Pre- nuptial un- chastity con- demned	Capture	Women do the hard work	Work equal	Wife equal	Women in govern- ment
	+				+								
	+												
	+							−					
		+			+			+					
		+						−					
	+	+		+								Sup.	
		+	+			+		+					
			+				+	−	+				
	+		+										
	+							−	Cere.				+
	+												
				+				−					
		+											
			+			+		−					
								−		+			
		+	+					−					
		+											

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Purchase
Lhota Nagas		+							
Sona Nagas		+		+					
Guinane			+				+		
Milanous		+							
Orang Bukit									P.
Muruts			?+				+		G.S.
PASTORAL II.									
Larba	+			+					P.
Uzbegs		+							P.
Midhi	+								P.
Turcoman	+				+				P.
Kazak Kirghiz		+					+		P.
Yakuts	+								P.
Altaian Kalmucks									P.
Mishmi	+								P.
Ama Xosa	+				+				P.
Ama Zulu	+								P.
Bechuana	+								G.
Baquerewe	+			+					P.
(67) Makololo	+								?P.
(71) Wataturu	+								–P.
Gallas		+							P.
Bogos		+			+				P.
Beduan									P.
Somal	+								P.
Danakie	+								P.
(50) Bahima		?					+		
AGRICULTURE. III.									
Araucanians	+			+					P.

x-nge of nents	Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
								−					
	+							+					
	+			+									
		+	+			+							
		−			+								
		+											
								−					
	+	−								+			
		−		−					Occ.	+			
								+				−	
		−								+		−	
										+		−	
										+			
		−											
											+		
							+		Cere.			+	+
+	+												
											+	−	
											+	+	
												+	
	+	−					+	+	Cere.				
		−			+			−		+			

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Purc
Pima		+		+					
Zuni			+	+					
Papago	+								
Moqui			+	+					
Hopi									
Mayas	C.								S
Sia			+						C
Zapothecs			+						
Guatemala			+		+				C
Apalachites	C.								
(42) Bamsalala	+				+				F
(42) Wagogo	+			+					F
Diakite Sarocolays	+			+					
Jekris	+								F
(44) Bawenda	+								F
Warundi		+		+					F
(45) Tshi	+			?	?				F
(46) Ewe	+				+				F
Baronga		+					+		F
(47) Bambala	+				+				F
Geges and Nagos	C.								G
Yoruba	C.				+				F
Bafiote	+								F
Bukoba Natives		+							F
Swaheli	+				+				F
Bongos	+								F
Fanti	+			+					F
(62) Bayaka	+				+				F

ix-nge if ents	Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
-		+						+					
-		+						+					
		formerly								+		+	
-		+											
-		+											
		+						−					
								−					
										+			
		+											
						+							+
				+			+	−					
	+	−											
	+												
	+	−											+
		+			+			+				+	
	+	+					+						
	+	formerly					Some						
		+				+		−	+	+			
	+			+			−	−		+			
	+										+	+	
	Some	+		+	+		+	Some					
										+			
									formerly			−	
					+								
					+	?				+			
		+			+		−	+		+			

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Purcha
Wanyakyusa									
Woloff	C.								
Sese Island	+								P
Wachagga	+				+				P
Wadigo	+			+					P
Bihenos	+								P
Indikki	+				Sale				P
Kilwa					+				P
Noforesen	+								P
Banyoro	+								P
Ondonga	+			+					
Basutos	+						+		P
Alur	+								P
Amahlubi	+						+		P
Washambala	+						+		P
Basoga Batamba	C.			+					P
(65) Wafipa	?	?							
(66) Sereres		+							
Kuku	+			+					P
(72) Warangi	+			+					P
Akamba	+								P
Nandi	+						+		P
Takue		+					+		
Wakikuyu	+								P
Marea		+					+		P
Nossi bé	+			+					G.
Marutse									
Bambara	+								P

s	Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
											+		
		+		−				+					
		+		+			−					−	
		+											
												−	
						?							
	+							+					
								+					
	+	−											
						+							
						+					+		
		?−				+	+		Traces				
	+								Traces				
		−						−					
	+	−			+	+	−						
									?Cere.			−	
									Cere.				
	+												
			+					+					
								−	+				
	+										+		

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Purc
Segoo	-								
Calabar		+							
Foota Tora	+								
Foota Jalon	+			+					
(31) Bushongo	+			+					
(32) Bambala (Bushongo)	C.		+	+					
Duallas	+								
(33) Bahuana								?+	
Basonge Meno	+				+				
(36) Basonge	+						+		
Mbengas	+								
Waniamwesi	+				+				
(38) Anyanza	+								
(39) Yao									
(40) Ababua	+						+		
Wapokomo	+				+				
(41) Baganda	+				+				
Kasias				+					
Kayans		?					+		G.
Singpho	+								P.
Padam Abor		+							
Mundakols		+					+		
Dusun		+							
Kayans of Mindalam			+	+					
Do. Mahakam		+		+					
Bongians									
Singkel		+			+				
Nias	+			+					

ge nts	Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
						+							
										+			
						+				+			
						+							
	+	+				+					+		+
								+					
		+				?		−					
	+	+				+		−					
				+	+								
										+			
								−					
		+						+	+				
	+	+			+				+				
	+	−			+		Sale		+				+
	+	−					+						
		+				+							
	+	+											
		+	+			+		−					
					+			−					
		+											
		+				+		−					
		+		+				+				+	+
	Some					+		+					
	Occ.	+				+		+					

	Polygamy general	Polygamy occasional	Monogamy regular	Divorce at will	Divorce at will of husband	Divorce at will of wife	Divorce conditional	Marriage indissoluble	Purch
Passumahians									P
Daians									
Malays of Padang				+					P
Alfures				+					
Balinese		+			+				
Java				+					S
Timorese		C.							
Kafirs	+			+					
(30) Badaga	+			+					
(25) Sonthal		+			+				
Ossetes		+		+					
(27) Bagobos		+							
Igorottes			+					+	
Suanes			+		+				
Adighe		+					?		
Battas of Sumatra		+			+				P
Tjumba									
Miris (plains)									
Miris (hills)		+							
Garos									
Tinguianes			+				+		
Kharria							+		
Augani Nagas									
Kenyah		?					+		G

Relations arrange marriage	Consent required	Public control of marriage	Wife protected	Husband can punish wife	Public punishment of adultery	Wife lent or exchanged	Pre-nuptial unchastity condemned	Capture	Women do the hard work	Work equal	Wife equal	Women in government
	+					+	+					
	−											
		+							+			
	Some −											
+	+	+										
+							+					
				+								
							+					
								+				
				+			+	Core.				
	Generally								+			
							+					
	+											
									+		−	
+	+											
+	−											
+							−					
									+			
	+	+			+							

APPENDIX II.

NOTES TO TABLES, CHAPTER III.

1. *Kwakiutl* :—Divorce is tabled as limited. The facts are that a man buys his wife. When she has two children her price is redeemed and she may leave him, but to keep her in subjection he often makes a new payment to her father. (Boas, *Smiths. Rep.*, 1895, p. 359.)

2. *Pomo* :—Marriage is not strictly a purchase but is arranged by presents to the parents. Nothing is said, however, as to exchange. (Powers, p. 157.)

3. *Shastika* :—According to Powers (p. 246) a council might be assembled by the chiefs in case of flagrant wrongdoing, and a married man committing adultery might be tied down naked for several nights. The woman, if punished at all, is beaten by her husband.

4. *Pit River* :—According to Powers women are degraded and looked upon merely as property. Marriage is by purchase. If she deserts her husband she may be killed by him (p. 270).

5. *Montagnais* :—The references in the Jesuit relations are not always clear, nor the statements of different missionaries fully reconcilable, but it would seem that polygamy was permitted though at least in one district disfavoured.

6. *Seri* :—Polygamy exists at present, but is perhaps of recent origin. The husband must pass a year with his wife without marital relations, during which time his class brethren have access to her. (McGee, *Smiths. Rep.*, 1895-6, pp. 279 seq.)

7. *Dakotahs* :—We have applied to the Dakotahs proper Schoolcraft's notés on the Dakotahs generally, compared with Riggs's *Contrib. to Ethn.*, 1893. Though the consent of the woman was not required for marriage elopements occurred. (Dorsey, *Smiths. Rep.*, 1893-4, p. 222.)

8. *Iroquois* :—Morgan (*League of the Iroquois*, p. 321) denies that the consent of the parties was required, but from Loskiel's account (p. 57) it would seem to have been at least considered in the eighteenth century. Morgan's statement that an adulteress was whipped by order of the council can hardly be true of ancient times as he suggests (p. 331).

9. *Creeks* :—Ordinary marriage could be dissolved at pleasure without ceremony, but parties might not re-marry until after the annual " bust." There was also an ancient form of marriage involving common tillage of the land which was binding, any breach of fidelity being punishable by the relatives with whipping and cropping of the hair. (Caleb Swan in *Schoolcraft*, v, 268—273.)

10. *Abipones* :—The consent of the bride does not seem in principle to be required as Dobrizhofer describes her as flying and hiding herself if she objects (*E. Tr.*, ii, p. 207) It may be noted that though the husband might repudiate his wife this might be resented by her family (*ib.*, pp. 211, 212).

11. *Roucoyennes* :—Servile polyandry in the table refers to the custom by which the lover of a wife becomes a peito or half client, half serf of the husband, having access to his wife. (Coudreau, *Rev. d'Ethnog.*, vii, p. 479.)

12. *Guaycuru* :—According to von Martius, *Beiträge*, p. 233, divorce or repudiation by the husband is rare, but Serra (*Rivita Trimensal*, vol. 77, 2nd series, vol. vi) says that marriage is permanent only when there are children, and there seems to be great license.

13. *Gês* :—Marriage is indissoluble, and von Martius's (*Beiträge*, p. 290) account seems to imply monogamy though it is not distinctly stated.

14. *Tehuelches* :—According to Masters (p. 177) marriage is always by inclination. Separation is rare, and while monogamy is usual a man may take as many wives as he can support (p. 178). D'Orbigny (*Voyage*, ii, p. 180) admits only one legitimate wife who is never abandoned, and one concubine, who is abandoned at will unless she has children. He states that the bride cannot refuse her consent beforehand, but may decline cohabitation, and is then sent back to her parents or sold to her lover. If she leaves her husband he reclaims her if he can. Ordinarily the affair is compounded (p. 180).

16. *Mataccos* :—Marriage seems to be mainly by courtship. Thouar (*Explorations*, p. 57) states that the parents have no voice in the matter, while Pelleschi (p. 65, *Eight months in the Grand Chaco*) says that the man makes gifts to the girl and secures the consent of the relations. The same authority states (p. 65) that though a man may divorce his wife it often leads to a feud. (Divorce limited.)

17. *Macusis* :—According to Im Thurm (p. 223) they are monogamous, but Schomberg (*Reisen*, p. 401) alleges polygamy at least at one Macusi village. The sister's daughter is a lawful wife but not to a father's brother.

18. *Kalmucks* :—According to the earlier Kalmuck law (Köhne, *Z.V.R.*, 9) there was marriage by purchase, but by the seventeenth century the purchase price was equalled by the dowry substantially converting the system into one of exchange (p. 461). Polygamy also formerly prevailed, but in the time of Pallas had already disappeared (p. 461). Capture is said to have occurred within the nineteenth century, and was probably formerly a regular method (p. 462). In view of these changes we avoid tabling the Kalmucks generally and deal only with the Altaian Kalmucks in accordance with Radlov's account.

19. *Cookies and Lushai* :—Dalton (p. 95) states of the Cookies generally that they were not polygamous but practised concubinage. Statements as to divorce are based on Lewin's account of the Lushai.

20. *Pani Kocch* :—All property belongs to the women who also do all the work. Marriages are settled by the mothers, or on the woman's initiative. A man is fined for adultery and may be enslaved if his mother does not pay. On the other hand, according to Hodgson, women have no place on juries of elders who settle disputes. (Hodgson, *On the Aborigines of India*, pp. 146—147.)

21. *Chakma* :—According to St. John, *J.A.I.*, 2, p. 239, a price is paid for the wife in N. Aracan, but according to Lewin this is only true among the Chakma whom he places in this group. (*Wild Races of S.E. India*, p. 176.)

22. *Santals* :—According to Dalton's account prenuptial chastity seems at least nominally required (p. 214), but from Risley's account this would seem to be only to the extent that a young man must marry a pregnant girl under penalty of being beaten by the headman's assistant (vol. ii, p. 228). According to Risley divorce is at will of either party (p. 231), but Hunter states it requires the consent of five of the husband's relatives. Risley further states that the permission of the Circle headman has to be obtained for every marriage (p. 234), but there is no mention of this in Hunter's *Rural Bengal*. Hunter says that a fallen woman could never regain her position (p. 203).

23. *Korwa* :—According to Crooke, vol. iii, p. 324, one wife is usual and there is no concubinage, which seems to imply the possibility (though not frequently employed) of polygamy.

24. *Tharus* :—In the N.W. Provinces in addition to divorce of a faithless wife with the approval of the council there may be exchange of wives. Wife capture was secretly practised but is now nearly obsolete, surviving as a form. (Crooke, pp. 388, 389, 392.)

In Bengal, Risley says divorce is common but does not give the conditions. (Vol. ii, p. 315.)

24. *Dhimals* :—According to Risley, i, p. 227, courtship is free and divorce limited to unchastity or controlled by the Panchayet. According to Hodgson courtship is not sanctioned and divorce is at will of either party

25. *Sonthals* :—The method of marriage is not directly stated, but in case of elopement the woman's parents may take a man's cow or goat while if it occurs after the licentious festival, it involves a fine. This seems to imply that it is normally arranged by the parents for a consideration. (Man, *Sonthalia*, p. 102.)

26. *Sakai and Semang* :—Statements are extremely difficult to disentangle. Apparently monogamy is the regular custom of both the Semang in their original condition and possibly also of the Sakai, but this is less clear, while divorce was disliked if it existed. According to Wilkinson, however, the morals of the Semang are lax (p. 10).

Monogamy on the whole persists in the various settlements of the Malayised tribes. Thus the Orang Laut are strictly monogamous and divorce is said to be unknown. (Annandale and Robinson, *J.A.I.*, 32, p. 413.) So also the Orang Bukit (Knocker, *J.A.I.*, 37, p. 293), who, however, see no objection to polygamy except the difficulty of providing for more. The Sakai of Kuala Kurnam are also monogamous (Knocker, *J.A.I.*, 39, p. 146), but from statements given by Martin and Skeat both polygamy and divorce occur sporadically. Skeat gives one case of polyandry among the Orang Tanjong (Sakai of Salangor), (vol. ii, p. 18). Wilkinson (pp. 56-7) distinguishes the Northern and Central Sakai and gives particulars of the marriage relations of the latter, distinguishing the Mai Darat where there is child-betrothal but inclination is not forced, and the Mai Miloi, who are said to leave everything to passion, to have no ceremony and to exchange wives. Divorce is at will except among the Mai Darat of Kampar.

27. *Bagobos* :—Purchase. If the parties are satisfied the father pays back half the price after six months. If not, the marriage can be dissolved. Rather a trial marriage than divorce. (Schadenberg, *Z.E.*, 17, p. 12.)

28. *Inhabitants of Bontoc* :—Strict monogamy. Unfaithfulness on part of the wife punished with death. No purchase. In order to make a marriage binding the husband must give her family, if rich, the whole rancheria, a feast or "canjao." (Schadenberg, *Verh. Ges. für Anthrop.*, 1888, pp. 35-36.)

29. *Tagals* :—A price is paid to the woman but if she has parents it goes to them. In case of divorce she must repay the price and all else earned by her—in case she leaves her husband for another—if not, only the price. If he leaves her he loses half the price. If there are children it is given to them and is administered by the grandparents. (Blumentritt, *Z.E.*, 25, pp. 19-20.)

30. *Kabards* :—If a husband finds his wife has not virginity he sends her back to her family. The girl is sold or killed by her people. In case of adultery the husband sends his wife back to her kin after having shaved her head. She is killed by them. (Chantre, vol. 4, p. 128.)

30*a*. *Badagas* :—In the Udaya caste consent is not required but in the other castes there is apparently free courtship. (Thurston, *Anthropology*, p. 3.) The brothers-in-law have access to the wife, and if the husband is young she may cohabit with the paternal aunt's son or some one else whom she may fancy. (Thurston, i, p. 106.)

30*b*. *Irulas* :—Among the Irulas marriage seems doubtfully binding. Among those of N. Arcot it is described as a voluntary association terminated at will of either. (Thurston, vol. ii, p. 288.) Among others it is said by Harkness to have been at the option mainly of the women to dissolve. (*Ib.*, p. 379.)

31. *Bushongo* :—Women are said to be not bought, but it is considered just that a man who carries away a girl should pay compensation. Consent is necessary. The fundamental idea of marriage is *collaboration des epoux* (p. 11). The mother of the king is the first personage of the realm. Women are represented among the chiefs and in the council there are several (p. 11).

32. *Bambala* :—A branch or tribe of the above nation, the members of which regard themselves as superior to the others. With the exception of the royal family they have been monogamous since the eighteenth century. They may have concubines for debts. (Torday and Joyce, *Annales du Musée du Congo Belge*, Serie III, Tom. II, Fasc. I, p. 114.)

33. *Bahuana* :—Divorce is said to be unknown. (Torday and Joyce, *J.A.I.*, 36, p. 286.)

34. *Warega* :—Marriage is said to be not a purchase. The goods given to the parents are a kind of guarantee, to be returned in case of divorce (p. 173). The power of the husband is limited (p. 174). Married women often enjoy consideration equal to that of the men—are admitted to the assemblies and attain grades in the social hierarchy just like men (p. 193). (Delhaise, *Les Warega*.)

35. *Mayombe* :—For divorce the consent of the two parties and of the father of the girl is necessary. (Overbergh, p. 254.)

36. *Basonge* :—The husband can repudiate his wife :—(1) If she is notorious for laziness, etc. (2) Sterility. (3) Adultery. The wife can repudiate him (1) in case of unjustifiable cruelty, (2) if her husband wishes to sell her to a stranger. (Overbergh, p. 271.)

37. *Mangbetu* :—There is said to be no divorce among the Mangbetu, but a man simply takes another wife when he is tired of the first. The woman is sometimes sent back to her people by the husband because she is sterile, in which case he receives the price back. The woman too may take refuge with her kin because he is unfaithful or because the price is not entirely paid. (Overbergh, p. 331.)

38. *Anyanza* :—There was no dowry nor giving of presents in the old days, the latter being an innovation of the last twenty years. Marriage by capture is referred to. At present marriage is regarded lightly. Adultery and divorce are common. (Stannus, *J.A.I.*, 40, p. 309.)

39. *Yao* :—No purchase except of course in case of a slave-woman.

(1) Child betrothal.

(2) Normal form of marriage. The consent of the bride is obtained, then the consent of her relatives, above all of the maternal uncle, then of her own people. The two families then meet and eat together, this being a kind of marriage ceremony. Presents are usually given to the girl's uncle.

(3) Women may be captured in a raid in which case there are no particular formalities about the marriage.

(4) A young man's master or guardians provide him with a wife. (Werner, pp. 129—133.)

40. *Ababua* :—Capture frequent. Child betrothal. The father can force a husband on his girl but ordinarily he does not use this right unless she wishes to live an irregular life. (Halkin in Overbergh, p. 213.) Divorce at will of either party but not allowed when the children have grown up and exceed ten (p. 291). According to another account the woman must have the consent of her father, and if there are children the husband alone can effect a divorce, and the price is not repaid, she having fulfilled her duty (p. 292).

41. *Baganda* :—Divorce. If a woman did not like her bridegroom she would run back to her parents. The husband might fetch her back two or three times. If she ran away repeatedly the husband would claim his dowry-fee from the clan and she would be free. (Roscoe, p. 92.) A man did not trouble to divorce his wife if she was unfaithful—he would merely neglect her—reduce her to status of slave. (Roscoe, p. 97.)

Descent through the male line. The father's totem is observed except by royalty (p. 129).

42. *Bamsalala* :—Women can be chiefs and can act as witnesses—otherwise they have no rights. (Desoignies, p. 277.)

Forms of marriage :—

(1) Butosi. Purchase. This is usual.

(2) Kubotu. No price paid—generally a slave—if free the woman can leave at will—her father can sell her again to a Butoṣi husband.

(3) Kuyanzwa—a kind of concubinage.

Tauschehen occur—but are rare (p. 272).

43. *Wagogo* :—The wife enters the family of her husband but if he cannot pay the price he goes to her family and becomes virtually a slave until his friends buy him out. In case of cruelty he then may dissolve the marriage and send the price back. (Beverley, pp. 208-9.)

44. *Bawenda* :—The chief sends his wives daughters, sons and sisters to rule in the provinces. (Gottschling, *J.A.I.*, 35, p. 377.)

45. *Tshi-peoples* :—If a husband gravely maltreats or neglects his wife she may leave him without restitution of head-money. A woman who is ill-treated by her husband may return to her family on the repayment of the head-money. If she wishes to leave him without any cause she can do so with his permission on repayment of head-money and all expenses. She takes the children with her but must pay a certain amount for each. (Ellis, p. 284.)

46. *Ewe-peoples* :—Matrilineal, but among the upper classes in Dahomi kinship is patrilineal. The change was brought about probably by exercise of arbitrary power. (Ellis, p. 209.)

Divorce. A wife can leave with her husband's consent on payment of price and expenses, but if ill-treated without doing so and by proving the facts to the headman. The children go with her (p. 206).

Among the German Ewe peoples divorce is said to be at will of husband. (Herold, *M.D.S.*, 5, p. 161.)

Ellis's account leaves the question of consent doubtful and we therefore follow the account of Zündel, *Z.G. Erd.*, 12.

47. *Bamballa* :—Marriage :—

(1) *Child marriage.* A little boy of his own will may declare that a little girl is his wife. He visits his future parents-in-law and makes them insignificant presents. When he is old enough he gives them a large present and is allowed to cohabit with her. No further ceremony. The children belong to the eldest maternal uncle.

(2) *Adult Marriage.* Purchase. The children belong to the father. Should the woman die the husband is often forced to undergo the poison ordeal.

No polyandry, but a childless man may introduce his brother in secret. (Torday and Joyce, *J.A.I.*, 35, p. 410.)

48. *Massai* :—Whether a man may marry a certain woman or not depends on the age or generation to which the girl's father belongs, and secondly on the gelat (clan or family) of her father.

No man may marry a woman belonging to the same subdivision if both families live in same district, but he may marry one belonging to his clan or other clans (p. 303).

Divorce appears to be unknown. (Hollis, p. 304.)

It is not an offence for a man to commit adultery with a woman or girl of the same age. " From this it will appear that the Massai are polyandrous as well as polygamous. A man may marry as many wives as he can afford to purchase, and a woman may cohabit with any man belonging to her husband's age." (Hollis, p. 312.)

49. *Beni-Amer* :—Marriage :—

(1) *Through Purchase.* Segad (Head-money) to the father, and Dekran, *i.e.*, small presents, to her relatives.

(2) *Marriage with community of goods* :—

(*a*) Dekran as above.

(*b*) Segad—usually a camel or four cows, property of the pair.

(*c*) Mitto—both parties contribute; property of both.

(*d*) The bridegroom offers a sacrifice. (Munzinger, p. 319.)

Divorce. The man has the right of divorce. First of all the private property of each party is separated out and the common goods are divided in two parts. The house and everything in it goes to the woman but the weapons go to the man.

The wife can separate from her husband in two ways :—She either leaves him simply or claims separation on account of bad treatment or unfaithfulness. In both cases she only receives a third. In case of impotence a half.

The children, except sucklings, remain with the father (p. 320).

Polygamy is permitted but only practised by the richest. Most people are satisfied with one wife—often till death (p. 326).

50. *Bahima* :—No man may marry into his father's clan (with the exception of princes). Rules of exogamy do not apply to the mother's clan. A woman becomes the wife of two or three brothers when they are poor. (Roscoe, *J.A.I.*, 37, p. 105.)

Divorce seldom practised. A man may put away his wife if she becomes a prostitute or allows her husband's enemy to have intercourse with her. In rare cases also if she is quarrelsome or abusive (p. 106).

51. *Colonial Hottentots* :—Women do the greater part of the work, but not so much as among the Bantus. The position of women is relatively higher than among the Bantus (p. 329). Polygamy exists, but is not so extended as among the Bantu (p. 329). Consent is not necessary, but in point of fact the girl seldom objects. If she does she is said to resist and win (p. 220). (Fritsch.)

52. *Khoi-Khoin* :—No purchase. The matter is arranged by the families. Conflicting accounts as to polygamy. It seems that it was not the rule—may have been allowed to rich people. (Wanderer in Steinmetz, p. 317.)

53. *Dinka* :—*Divorce or "breaking" of marriage.* By return of cattle or marriage price, by the husband (*a*) if the girl fails to give birth two years after marriage; (*b*) if the girl runs away and refuses to live with him; (*c*) if there is quarrelling between the families. The wife may sue through her father by refusing to live with the man. The father may sue for default in payment of cattle as arranged. (Sullivan, *J.A.I.*, 40, p. 182.)

54. *Ova-Herero* :—Pre-nuptial unchastity exists, but is considered a disgrace for the parents. (Dannert, p. 26.) Organisation intermediate between mother right and father right. According to older organisation they were divided into clans called "eanda," descent being matrilineal. These are now being superseded by clans called oruzo, descent entirely patrilineal. Hence every Herero belongs to two distinct stocks—to an eanda through his mother and to an oruzo through his father, and kinship is through both lines. (Hartland, p. 351.)

Divorce. Grounds : Sterility, lewdness, wilful desertion, attempted murder, continual unfaithfulness on part of the wife. Can be instituted by both parties. Formal : before the headman, or chief. Fine imposed on the guilty party. (Dannert, p. 46.) "Marriage is looser than among the Bantu for it can be more easily dissolved by either party, as there was property at stake in the matter." At present the Herero marries within the circle of his relatives, but children of two sisters or of two brothers cannot marry, for if the former they belong to the same eanda and if the latter to the same oruzo. (Hartland, p. 354.)

55. *Bali tribes* :—The legal form of marriage is monogamy, and from the point of view of family rights and rights of inheritance this is strictly honoured. At present there is a laxer arrangement but in a one-sided manner. Unfaithfulness on the part of the wife is punished with death and the seducer is also severely punished. The man is in practice allowed

polygamy, but only with women of the slave coast and only with unmarried ones. These have no rights.

Marriage :—

(1) Free choice of parties.

(2) Agreement of the parents (often before birth).

(3) Pure purchase.

Kinship an obstacle. (Hutter, p. 379.)

The land is worked by the women. Trades by the men. Women fetch wood, prepare food, look after the children (p. 382).

56. *Mundombe* :—Divorce rare. Only when two years after the marriage there is no child. (Magyar, p. 23.)

57. *Azande* :—Usually the girl has her choice but her father has the right to force a husband on her if he likes (p. 14). All kinship an obstacle except in the case of the Avurn Gura (*i.e.*, descendants of the founder of the dynasty). (p. 15.)

Marriage can be dissolved at will of either party or of the father-in-law, but there are certain conditions for Avurn Gura (p. 19).

Kin on the mother's side cannot inherit (p. 25). (Hutereau, *Annales*, Series III, Tom. I.)

58. *Abandia* :—No marriage price, but the man gives one of his girls or a sister. The father-in-law keeps the woman for himself or gives her to one of his people.

After the marriage presents may be exchanged. (Hutereau, *Annales*, Series III, Tom. I, p. 43.)

59. *Quissama* :—" The Quissama are a virtuous people, and so far as Mr. Hamilton was able to ascertain practised monogamy." (Price, *J.A.I.*, i, p. 189.)

There are few women in comparison with the number of men (p. 189).

60. *Angoni* :—Children take the name of the father. Amongst the full-blooded Angoni the girl chooses her husband, but this is now disappearing and she is given to the highest bidder. (Wiese, *Z.E.*, 32, p. 191.)

61. *Kunama and Barea* :—Presents to bride's family.

Purchase ? (p. 487).

Polygamy permitted but is not usual (p. 524). (Munzinger, *Ostafrikanische Studien.*)

62. *Bayaka* :—Polyandry unknown, but a childless man may introduce his brother—in secret. (Torday and Joyce, *J.A.I.*, 36, p. 45.)

63. *Monbuttu* :—" Towards their husbands they exhibit the highest degree of independence. The position in the household occupied by the men is illustrated by the reply which would be made if they were solicited to sell anything : ' Oh, ask my wife; it is hers.' " (Schweinfurth, *Heart of Africa*, ii, p. 91.)

64. *Pygmies* :—Most Batuans of Tanganika do not practise polygamy. (Hutereau, *Annales*, Series III, Tom. I, p. 3.)

The Wambuti of Ituri deny with horror the existence of polygamy among them. (David, *Globus*, 1914.)

Le Roy thinks they are usually monogamous.

Johnston (see *G. Grenfell and the Congo*, p. 674). Among the Pygmies marriage is little more than the tendering of a gift of common beads or knives or other objects of local value to the father of the girl who is thereby

acquired by the purchaser, though no doubt inclination accounts for much in the bargain and fidelity thereto. Adultery does not seem to be greatly resented, and indeed they seem to approach very near to promiscuity, and even incest, in their marital relations, within each separate band or community.

Johnston, *Uganda Protectorate,* p. 539. Marriage is only the purchase of a girl from her father. Polygamy depends on the extent of the barter goods. There is much attachment between husband and wife.

65. *Wafipa* :—The chief is referred to as having several wives. (Thomson, vol. ii, p. 220.)

66. *Sereres* :—Polygamy. At Fadiouth mostly one wife. (Dr. Corre, *R.E.,* ii, p. 15.)

67. *Makololo* :—Marriage looks like a bargain but is not purchase. Cows are given by the man so as to have the right to retain the children in his family. A man may have control over his wife without payment but not over children. (Livingstone, *Zambesi,* p. 285.)

68. *Basoga* :—According to Johnston marriage is simply a purchase from the girl's father.

According to Cunningham, pp. 112—114, marriage is by elopement (from a dance at night). The next day the brother of the girl calls at the new home and receives a present.

Purchase has been heard of in cases of debt.

The men have no objection to helping the women in the cultivation of their gardens, differing in this respect from the Uganda men (p. 120).

69. *Wafiomi* :—If a woman is not loved she is sent back to her father. If she marries again the first child belongs to the first husband, the second to the second husband, the third to the third, etc., until the eighth when they all belong to the second. (Baumann, *Massailand,* p. 179.)

70. *Wambugwe* :—Almost the only case in Middle Africa of the absence of polygamy. Even chiefs have only one wife.

The young man sends an ox to the father, if accepted the marriage is celebrated by dancing and drinking of Pombe. No marriage price—it is customary for the bride's father to give her some oxen. In case of divorce the husband must return them. (Baumann, *Massailand,* p. 187.)

72. *Warangi* :—The girl is carried away (entfuhrt) by the relatives of the man. Her father then sends people to seek him and negotiate. The price is paid and the wedding celebrated. (Baumstarck, *Mittheilungen der deutschen Schutzgebieten,* 13, pp. 53-4.)

Oceania.

73. *South Melanesia* :—Purchase or exchange of presents verging on purchase is the rule, but in Santa Cruz Codrington describes it as exchange. In Banks Is. also the bridegroom gets a return present.

74. *Wagawaga Tubetube* :—The husband goes to wife's hamlet and his own alternately.

75. *Bartle Bay* :—Marriage is by exchange of presents, the bride's kin getting more valuable ones (as at Mukana).

76. *New Caledonia* :—Marriage by a man's obtaining possession of a girl for twenty-four hours or by secret cohabitation : this has been treated as implying consent.

77. *Mowat* (N. Guinea) :—Marriage often by brother-and-sister exchange.

78. *Jabim* :—Elopement makes marriage in general, especially if the man's kin can pay.

79. *Gilbert Islands* :—Easy betrothals. The girl's adopted father gives land to the boy's adopted father on her behalf. The husband may divorce the wife, but if he ill-treats her, adopted father may take her away.

80. *Peleu Islands* :—Divorce is at will of either party, but if a man abandons a rich wife of certain families he cannot marry again.

81. *Rotumians* :—Marriage usually arranged by the parents. The consent of the Pure of the Hoag was necessary. (Gardiner, *J.A.I.*, 27, p. 478.) Meinicke says (p. 56) consent of the District chief was necessary.

Gardiner, *J.A.I.*, 27, p. 481, says that divorce in former days could only be brought about by the one who desired the separation buying off the other with heavy presents of mats and food. On the other hand Meinicke (p. 56) says "Marriages are often dissolved easily and quickly," but probably he is referring to the present time.

82. *Tongans* :—According to West (*Ten years in South Central Polynesia*, p. 270) polygamy is common. Meinicke (ii, p. 87), on the other hand, says it is confined to the chiefs, whilst most people of the lower classes have only one wife.

83. *Rarotongans* :—Polygamy seems to have been restricted to the Ariki, the Mataipo and Rangatiro, whereas the lowest class usually have one wife. (Meinicke, Pt. II, p. 148.)

84. *Hawaians* :—Polygamy permitted but apparently confined to chiefs, or higher classes. (Meinicke, Pt. II, p. 305.) Rank descended through the females. (*Ib.*, p. 302.) Among the reigning families kinship was no obstacle at all—brothers and sisters could marry. Adultery among the highest ranks was punished with decapitation. (Ellis, iv, p. 421.)

85. *Tahitians* :—The marriage tie was very loose and divorce easy and frequent. (Ellis, i, p. 273.) Meinicke says that among the nobles (Vornehmen) the divorced wife remained at least in name a married woman. (Cf. also Ellis, i, p. 273.)

As to polyandry Ellis (vol. iii, p. 124) says that those among the middle or higher ranks who practised polygamy allowed their wives other husbands, and that it is reported that brothers or members of the same family sometimes exchanged their wives, while the wife of every individual was also the wife of his Taio or friend.

86. *Marquesas* :—Marriage tie loose. Unchastity frequent. Some even assume polyandry. (Meinicke, Pt. II, p. 255.)

Australia : Marriage.

87. *N.W.C. Queensland* :—The statement as to polygamy refers to the Bonlia and Kalkadoon districts only (pp. 141, 180). There is no statement as to the other. The wife supplied by the camp may not be divorced except by mutual consent (p. 181). Generally the consent of the woman does not seem required, and though elopements occur they are punished with an ordeal of hacking with knives. (*Ibid.*)

The statement as to prenuptial unchastity is based on the ritual submission of the girl at puberty to all the males in the camp outside her

own marriage group (p. 174), but an assault at an uninitiated girl was punished by death (p. 182). A man who kills his own wife must deliver a sister to his wife's friends for death. The wife has always her tribal brother to protect her (p. 141).

88. *N.S. Wales* (Some), (Frazer) :—As to prenuptial unchastity Frazer denies promiscuous intercourse (p. 27), but there is a regular subjection of a girl who objects to marriage to all the companions of the man who catches her (p. 28). As to protection of the wife, the elders may order some punishment for an unfaithful husband (p. 34). On the other hand the husband may kill her without suffering anything (p. 27).

As to the arrangement of marriage, there is child-betrothal, but after persistent elopements the girl may be allowed her own way, while if a man finds a girl of the right class to marry him the parents cannot refuse, though a sister may be given in exchange (pp. 22, 8). From this case it would seem marriage is really at the option of the man under the control of the council.

89. *W. Victoria* :—When there are no children there may be divorce by mutual consent. (Dawson, p. 35.) The man may also give up his wife to another amicably with the consent of the chief. The woman may be speared by her brother if the relations are disapproved. Further the woman may go to another man who can then legalise the marriage with her by defeating the husband in a duel before the chief. (*Ibid.*)

90. *Kurnai* :—Consent. The ordinary form of marriage is by elopement. The girl, if found without delay, is speared, the man has to fight her relatives, and on the original abduction the girl has to submit to all the abductor's companions.

As to protection the man might kill an unfaithful wife, but in some cases her relatives might avenge her. (*K. and K.*, pp. 200—206.)

91. *Waimbio* :—If parents did not exactly arrange marriage their consent was in strictness required, but elopements were frequent, and after beatings and fightings the result would be accepted. If the eloping girl was caught by men who are not related to her in the absence of her relatives she would have to submit to them. (Bulmer in *K. and K.*, p. 289.)

92. *Some Victorian Tribes* :—Brough Smyth's account seems to be based mainly on tribes around Melbourne, five of which, including also Golbourn river, are referred to also in Howitt.

Brough Smyth speaks of a woman as property.

93. *Yerkla Mining* :—The medicine men seem to exercise a certain supervision since if an elopement occurs, the betrothed husband may claim his bride and the matter is settled by a fight regulated by the medicine men. (Howitt, p. 258.)

94. *E. Victoria* :—This is a group of tribes described by R. H. Mathews within a line from Jeelong to Murray River up to its source and then to the coast at Cape Howe. It would cover many of the tribes given in other groups but which it is impossible to say with precision. It should be noted that according to Mathews " in making the betrothals the old men endeavour as far as practicable to arrange that the brothers and sisters in certain families shall intermarry with the brothers and sisters of certain neighbouring families whether in the same or in an adjoining tribe." He

points out that this has the effect of binding the two families together and of strengthening their claims for consideration (p. 97).

The totems are patrilineal but the mother's brothers defend the boy (p. 102).

95. *Narrinyeri and Encounter Bay* :—Dealt with separately in Woods by Taplin and Meyer. The Encounter Bay tribes described by Meyer appear to be certain divisions of the Narrinyeri, and details added by Meyer are entered for " some " of the Narrinyeri.

96. *Gournditch Mara* :—Strictly these are covered by Dawson's West Victoria groups, but the details given by Stähle in *K. and K.*, pp. 276, 7, do not wholly correspond.

97. *Port Lincoln* :—Brothers " may almost be said " to have wives in common, and women call their husbands and brothers-in-law by the same name, but husbands have different names for their own wives and those on whom they have secondary claims. (Schümann, cf. Woods, p. 223.)

98. *Dieri* :—Closely similar conditions for other Cooper's Creek tribes. With regard to polyandry the facts are that a man has one or more wives assigned to him but he also may be Piraurum to a wife of another man provided she is of right class. (Howitt, pp. 177 seq.)

99. *Wakelbura* :—The men of the same totem had access to a man's wife. (Howitt, p. 224.)

100. *Wotjobaluk* :—In this tribe polygamy is not usual. (Howitt, p. 245.)

101. *Wotjo nation,* including *Wotjo Baluk, Jupagalk and Mukjarawint* : Elopement is common and the matter is settled by an ordeal. The men of the totem have access to the bride and to this extent prenuptial relations are recognised. Class prohibitions are enforced with death by members of the classes concerned.

The abductor of a wife is pursued by the husband with all the men of the camp except the wife's relatives and beaten unless he compounds. (Howitt, pp. 246, 7.)

CHAPTER IV.

War and Social Structure.

I.—*War.*

The question has been raised whether the traditional view of early society as one of constant warfare is really justified by the facts. There is, in fact, no doubt that to speak of a state of war as normal is in general a gross exaggeration. Relations between neighbouring communities are in general friendly, but they are apt to be interrupted by charges of murder owing to the belief in witchcraft, and feuds result which may take a more or less organised form. In the lower stages it is in fact not very easy to distinguish between private retaliation when exercised by a kinsfolk or a body of friends, and a war which is perhaps organised by a leader chosen for the occasion, followed by a party of volunteers. Strictly, we take it that external retaliation means a quarrel exercised by a part of a community only upon members of another community, while war means an operation conducted in the name of the community as a whole. Feuds would thus also be the appropriate name for reprisals exercised by one branch of a community upon another, *e.g.*, as between two clans or two local groups within a tribe. As distinguished from a feud, war implies a certain development of social organisation, and is probably not so common at the lowest stages as it becomes higher up.

We have sought to distinguish wars and feuds, but must confess that the evidence is often very inadequate for the purpose. We have, however, set down the cases where one or other is reported, together with those in which war is said to be non-existent, and we have in the aggregate 298 cases of war or feuds distributed through all the grades, and nine certain and four doubtful cases of "no war." These are mainly confined to the lowest grades, there being $4\frac{1}{2}$ among the lower, $3\frac{1}{2}$ among the higher hunters, and 2 in the lowest agriculture. Thus there are a few very primitive societies, mostly of the jungle folk, that seem quite peaceful, but there is no indication of any association of peaceful propensities with the lowest stage of culture as such. At most it may be said that organised war develops with the advance of industry and of social organisation in general.

The Enemy.

The attitude to the enemy and the general character of war may be best judged by the treatment of the vanquished, which may also have important reactions on the structure of society. First of all, quarter may be refused, and even women and children may be massacred. Under the head "prisoners slain" we enter all cases where there is no customary limitation in the slaughter, where heads are taken, and where enemies are eaten. We should enter the case as long as the slaughter is permitted, although, for example, the enslavement of women or the adoption of children might be alternatives also in practice. The customs of the people would then appear under more than one head. Our next head is "Men only slain," *i.e.*, women and children are by custom spared. One alternative to death is slavery, and it may be applied to both sexes—"prisoners enslaved," or—among adults to women only—"Women and children enslaved." Of the latter case a variant is that women may be taken as wives or concubines, and if that is the only sense in which we hear of women being taken we write 'wives' under the head slavery. This must, of course, not be taken to imply that the position of the captured wife remains servile, and we do not count these cases in reckoning the number of slave-holding peoples. But the woman is undoubtedly treated as a prize, *i.e.*, as a chattel in the first instance, which sufficiently justifies the entry here. Instead of being enslaved, prisoners may be "adopted" into the conquering tribe, and this is especially frequent in the case of children. Again they may be "ransomed, exchanged, or set free," cases which we group under a single heading. Lastly, in place of being merely put to death, they may be tortured, while in some instances torture is antecedent to adoption or liberation.

The cases coming under these heads are as follows:—

No War.

Lower Hunters.

? Winturn, Kubu, Sakai, Punan, Semang.

Higher Hunters.

? Ghiliaks, some Chepawyans (27), Point Barrow Eskimo, Greenland Eskimo.

Agriculture I.

Paumari, Curetu.

Pastoral +.

Bahima (rare).

Agriculture +.

Tjumba (mild).

PRISONERS SLAIN (* Men only slain).

Lower Hunters.

N.W.C. Queensland,* Narrinjerri,* Kurnai,* Watchandi, Bangarang, Botocudos, Patwin, Shoshones (2), Batua.

Higher Hunters.

Manobos Rio Bay, Abipones,* Puri, Zaparo,* Guaycuru,* Charrua (21), Macus, Pitagoar, Payuga,* Tehuelches,* Akkek,* Auca,* Kauralaig,* Komibo, Nishinan (6), Klamaths of S.W. Oregon (1),* Blackfoot, Thompson River, Apache, Seri, Micmacs, Etechemins, Montagnais, Omaha, S. Californians,* Shenaimak,* Comanche,* Haida, Kutchin, Behring Straits Eskimo,* Koniagas,* Chilcotin, Carriers, Thlinkeet,* Bellacoola,* Nootka,* Lasseks, Yuki, Tatu, Pomo (5).

Agriculture I.

Manobos of Agusan (42), Zambales or Tinos, Arunese, Lushai, Other Kukis, Ainus (formerly),* Canea and Antioquia, Charantes, Mataco (22), Arecuna, Maxerunas, Lengua, Mauhes,* Guana,* Dacotah, Iroquois, Hurons, Abnaqui,* Delaware,* Ojibway, W. Torres St.*

Agriculture II.

Bangala, Bali,* Wanyatura,* Mandja, Mangbetu, Warega,* Bateke,* Oupoto, Land Dyaks, Sea Dyaks, Mentawez, Bontoc, Flores, Arunese, Kiangans, Nagas, Italones, Guinanes, Jivaro, Mundrucu,* Uaupes, Apiaca, Senci,* Chiriguano, Illinois, Wyandot, Natchez, Creeks, Winnebago, Some N. Mexicans, Caribs,* Chikmees, S. Melanesia, Florida, Bagota, S.E. Solomons, Saa, Koita, Mekeo, Waga Waga, Bartle Bay, Trobriands, New Hebrides, New Caledonia, Gazelle Peninsula, Neu Mecklenburg, Moanu, Mafulu, Jabim, Caroline Islands, Teleu Islands.

Pastoral +.

Ama Xosa, Galla.*

Agriculture +.

Bahuana,* Wachagga,* Ababua, Baronga,* Ewe, Tshi, Bambala (rare), Foolah,* Segoo,* Cazembe, Araucanians,* Pueblos of New Mexico,* Apalachites, Neuforesen, Kayans (occ), Kenya (occ), Bungians (38), Nias, Daians, Malays Padang, Miris of Hills, Garos, Kafirs, Batta, Igorots.

PRISONERS ENSLAVED (* Women and children only).

Lower Hunters.

Kurnai (wives), Gournditchmara (? wives), Narranga (wives), Maryborough (wives), Geawegal (wives), Shoshones,* Mucassequeres (for sale).

Higher Hunters.

Manobos Rio Bay, Italmen, Tuski (formerly), Abipones, Zaparo,* Tehuelches,* Goyanaz, Akkek, Aucas,* Puelches,* Klamaths S.W. Oregon,* Thompson River,* Semilkameen, S. Californians,* Shenaimak,* Koniagas,* E. Shushwap, W. Shushwap, Bellacoola,* Kwakiutl, Nootka.

Agriculture I.

Manobos Agusan, Abkhases, Ainu (formerly),* ? Manaos (17), Miranha, Guana.

Pastoral I.

Beni Amer, Khoi Khoin (formerly).

Agriculture II.

Bangala, Bali,* Azande, Augoni, Yaunde,* Gallinas, Mangbetu, Bondei, Land Dyaks,* Sea Dyaks,* Toungtha, Mundrucu,* Uaupes,* Senci,* Chiriguano, Illinois, Creeks, Caribs,* Moanu, Tongans, Hawaians, Tahitians, Fijians.

Pastoral +.

Yakuts (wives), Galla.

Agriculture +.

Akamba, Kuku, Washambala, Wachagga,* Anyanza, Bayaka (61), Suaheli, Wadigo, Bihenos (for sale), Indikki, Bushongo, Dualla, Basonge, Ababua, Bambala, Yao, Bamsalala, Baganda, Baronga (for sale),* Diakite Saracolays, Bambara, Foolah, Calabar, Segoo,* Araucanians,* Pima, Pueblos of New Mexico,* Newforesen,* Karo Bataks, Kayans, Kayans of Mahakam, Kayans of Mindalam, Singphos, Maquinandaos (40), Nias, Balinese, Adighe, Ossetes, Battas, Kenyah, Bagobos.

Prisoners Adopted, Exchanged or Set Free.

(Ex.=Exchanged or set free; *=Either adopted or exchanged).

Lower Hunters.

Kurnai, Shoshones (ex.).

Higher Hunters.

Guaycura, Charrua, ? Payuga, Aucas, Blackfeet,* Kiowa, Thompson River,* Apache (ex.), Montagnais, Nez Perces (ex.), Comanches (children), Behring St. Eskimo (women), E. Shushwap (ex.), W. Shushwap (ex.), Tolowa (3) (ex.), Omaha (? ex.).

Agriculture I.

Kukis (children), Karayaki (11), Mataco (22), British Guiana (wives), Arecuna (wives), Mauhes, Guana, Lengua, Dacota, Iroquois, Delaware, Ojibway.

Pastoral I.

Ovaherero (children servile).

Agriculture II.

Bangala (ex.), Azande (ex. occ.), Mandja (some), Yaunde (ex.), Warega (women and children), Wafiomi (ex.), Bondei (ex.), Land Dyaks,* Sea Dyaks,* Sambioa (11), Uaupes (wives), Chiquito (23), Illinois, Wyandot, Creeks,* Winnebago, Caribs, Waga Waga, Bartle Bay.

Pastoral +.

Yakuts (ex.).

Agriculture +.

Akamba (ex. some), Biheno (ex.), Baronga (wives), Apalachites.

The numbers under each head are as follows:—

	Total cases of war	Total cases of relevant information	Vanquished slain	Men only slain	Women and children slaves	Generally slaves	Adopted	Exchanged or set free
L.H.	28½	14	6	3	5½	1	1	1
H.H.	61	52	23	17	10	11	9½	7½
A[1]	30	26	15	6	1	4½	12	0
P[1]	7	4	0	0	0	2	1	0
A[2]	92	65	44	7	8	15	14	7½
P[2]	9	3	1	1	1	1	0	1
A[3]	60	53	16[1]	7	6	35	2	1½
	298½	214	105	41	32½	60½	39½	18½

No War.

L.H.	4½
H.H.	3½
A[1]	2
P[2]	1 (rare)
A[3]	1 (mild)

Grouping together (1) the cases of "Generally slain" and "Men only slain," (2) the cases of "Women and children slaves" and "Generally slaves," (3) the cases of "Adoption, exchange, and liberation," we get the following tables, in which the figure in each column is also reduced to a fraction of the total number of cases as to which we have information.

	Total.	Slain.	Slaves.	Equal.
L.H.	14	9 (.64)	6½ (.46)	2 (.14)
H.H.	52	40 (.77)	21 (.40)	17 (.33)
A[1]	26	21 (.81)	5½ (.21)	12 (.46)
P[1]	4	0 (.0)	2 (.5)	1 (.25)
A[2]	65	51 (.78)	23 (.35)	21½ (.33)
P[2]	3	2 (.66)	2 (.66)	1 (.33)
A[3]	53	23 (.45)	41 (.77)	3½ (.07)

1. Omitting the Bambara.

Ignoring the Pastoral peoples, for whom the numbers are too small to be of value, we find (*a*) that the practice of killing some or all of the vanquished predominates and is nearly constant till we reach the highest agricultural stage, where it drops by 50 per cent. This remark is only to be qualified by the fact that the percentage is rather lower among the Lower Hunters, which may be due to the small number of whom we are informed, but possibly reflects the fact that most fighting here is a matter of blood revenge in which honour is satisfied by the slaying of one or two of the enemy in hot blood. (*b*) The drop in the practice of killing prisoners in A^3 is the reverse side of the equally sudden rise in the practice of enslavement. It will be noticed that this remains low in the first two stages of agriculture. The moderately high figure among the Lower Hunters is almost entirely due to the capture of wives. If we omit the enslavement of women and children, the fractions (disregarding the Pastoral peoples) are :—

L.H.	.07
H.H.	.21
A^1	.15
A^2	.23
A^3	.66

This probably gives a better view of the conditions. Apart from the capture of wives, the enslavement of captives is very rare among the Lower Hunters, rises to about 20 per cent. of the cases among the Higher Hunters, and remains about that level till we come to the Highest Agriculture, where it becomes the normal method.

(*c*) Considering that the capture of wives shades off into adoption, we may, in spite of the low figure for Lower Hunters, regard the milder methods brought together under the heading " Equal " as nearly constant till we reach A^3, where it almost disappears in favour of slavery.

II.—*Ranks.*

When prisoners are taken as slaves it does not always follow that they are held permanently as slaves.[1] The women may be married or, becoming first concubines, they may be set free on the birth of a child.[2] Prisoners generally may be taken to sell again

1. Sometimes the slavery of captives is so mild as to be barely distinguishable from adoption. Such is the case among the Abipones, described by Dobrizhofer (vol. ii, p. 142, English Translation), and the Guaycuru, who treated their captives as equal and absorbed them into the tribe, but they also buy slaves for the same purpose. On balance both these peoples have been classed as slave-holding.

2. Thus, on the Thompson River, a captive woman on bearing a child was adopted into the tribe. The Aucas took women as concubines and servants to their wives, but brought up the children as members of the tribe.

rather than to hold. Dr. Nieboer, in defining slavery, would rule out these cases. He is dealing with slavery as an industrial system, and he restricts it to cases where the slave performs part of the regular industry of the community. We have taken in cases of slave-concubinage [1] and the slave trade.[2] Thus we include some instances which he rejects. We try also to note the cases in which the slave's life stands in the master's hands, including those other cases in which he is liable to be sacrificed at a funeral or on some other occasion.

Besides the distinction of slaves and free, there may be other important social gradations. There may be a nobility, by which we mean something more than a family from whom the chief is chosen. We mean an order distinguished by certain privileges, standing above the ordinary free man. We note separately whether the privileges involve a different standing in point of legal or customary rights to protection, *e.g.*, if there is a difference in the wer-gild between nobles, free, half-free, and slaves, or if revenge is

1. According to Ehrenreich (*Veroff.*, Bd. II, p. 28), among the Sambioa, there were no male slaves, but foreign women and even children were kept in semi-slavery and as prostitutes. We enter " Women " under the head " Slaves."

2. Thus we enter as Slaveholders the Manobos (Blumentritt, *Z. Ges. Erd.*, 19, p. 293), who made raids in order to kill or sell prisoners as slaves, and the Kirghiz, who dealt continually in slaves, selling their prisoners for the purpose, though whether they kept them themselves or not is not clear. The Bungians, who occasionally sold their children to Christians (Blumentritt, *Ausland*, 1893, p. 725), and the Suanes, where boys and girls are sold in case of dearth (Bodenstedt, p. 74), are queried.

Among borderland cases of Slavery we may note the Mangbetu, who have servants for life and have certain rights over their wives and families. The servant, however, may change his master. On the whole we have entered this as a slave-system, with a negative under the head of Life and Death Power (Overbergh, p. 501). Among the Warundi we enter slavery as " Occasional " because chiefs sometimes have a few slaves, and also as existing in the form of a " dependent " relation. A young person without kindred will offer his or her services to a proprietor and becomes a member of the household (Burgt, pp. 13, 212).

Among the Central Eskimo strangers, bachelors, cripples, and men without property live with others in a dependent position but are clearly not slaves (Boas, *Smiths. Rep.*, 1884-5, p. 581). On the other hand, among the Ojibways, the relatives of a murderer who could not pay the composition had to work it out in quasi-servitude, while captives might be adopted or enslaved (Jones, *History*, pp. 109 and 131). We have taken this relation as semi-servile.

Among the Roucoyennes, the relation of the Peito to the Tamouchi is a case of " Dependence " and entered as such. (Coudreau, *R. d'Ethnographie*, vii, p. 479.)

On certain further borderland uses see notes at end of chapter, the Toba note 20, the Baquiri note 68, the Wanyaturu note 70.

allowed to a noble and forbidden to a commoner; and we note cases where there is a marriage bar. A rank distinguished by specific rights and occupations, hereditary, and capable of fully legitimate marriage,[1] only within its own members is a caste, and classes which have legal privileges and marriage barriers separating them from others approximate to castes. Lastly, we note the cases in which, either as an alternative or as an addition to true caste or slavery, there are peoples held as tributary to other of superior force.

The broad results may be set out in the following table[2]:—

	Nobles.	Rank by wealth.	Serfs or slaves.	Women slaves.	Tributaries.	Life and death power.
L.H.						
N.A. ..... (4)	—	—	—	—	—	—
S.A. ..... (2)	—	—	—	—	—	—
Asia ..... (6)	—	—	—	—	—	—
Africa ..... (3)	—	—	1	—	—	—
Australia .....(26)	—	—	—	—	—	—
(41)	—	—	1	—	—	—
H.H.						
S.A. .....(16)	1	—	4½	—	1	—
N.A. .....(57)	8	4	18½	—	1	6
Asia ..... (6)	—	—	3	—	—	—
Africa .....(—)	—	—	—	—	—	—
Oceania ..... (1)	—	—	—	—	—	—
(80)	9	4	26	—	2	6
A[1]						
N.A. ..... (6)	—	—	½	—	—	—
S.A. .....(24)	—	—	6½	—	—	—
Asia .....(13)	1½	—	7½	—	1	1
Oceania ..... (1)	—	—	—	—	—	—
(44)	1½	—	14½	—	1	1
P[1]						
Asia ..... (7)	2	1	2	—	1	—
Africa ..... (7)	1	—	3½	—	2	—
S.A. ..... (1)	—	—	—	—	—	—
(15)	3	1	5½	—	3	—
A[2]						
N.A. ..... (9)	—	—	1	—	—	—
S.A. .....(14)	1	—	4	1	—	—
Asia .....(28)	6	2	17½	—	2	2
Africa .....(42)	3	2	26½	—	—	5
Oceania .....(35)	9	1½	10½	—	—	1
(128)	19	5½	59½	1	2	8

1. Marriage with a lower caste may be permitted, but the children then are of the lower caste.

2. For the lists on which the figures for " nobles " and slaves are based see appendix to this Section.

P^2	Nobles.	Rank by wealth	Serfs or slaves.	Women slaves.	Tributaries.	Life and death power.
Asia ..... (6)	1	—	6	—	—	1
Africa .....(11)	3	—	6	—	$\frac{1}{2}$	—
(17)	4	—	12	—	$\frac{1}{2}$	1
A^3						
Africa .....(63)	11	$2\frac{1}{2}$	48	—	1	11
S.A. ..... (1)	—	—	1	—	—	—
N.A. ..... (4)	1	—	3	—	—	—
Oceania ..... (1)	—	—	1	—	—	—
Asia .....(30)	11	1	24	—	1	5
(99)	23	$3\frac{1}{2}$	77	—	2	16

It will be seen that the total number of tributary peoples is small, and the cases in which women are held as slaves as distinct from captive wives in a more or less inferior position are also negligible. We may confine our analysis of the table to the two columns of nobles on the one side and serfs and slaves on the other. The distribution of slavery is instructive. We take all the cases in which the existence of serfs or slaves is asserted or clearly implied, as fractions of the total number of cases belonging to each group of which we have had information in relation either to questions of class or to questions of war and the treatment of captives, which are closely connected with the making of slaves. The result is as follows:—

Lower Hunters	.02
Higher Hunters	.32
Agriculture [1]	.33
Pastoral [1]	.37
Agriculture [2]	.46
Pastoral [2]	.71
Agriculture [3]	.78

It will be seen that the increase is quite uniform from grade to grade, except that the Higher Hunters and Lowest Agriculturists are virtually equal.

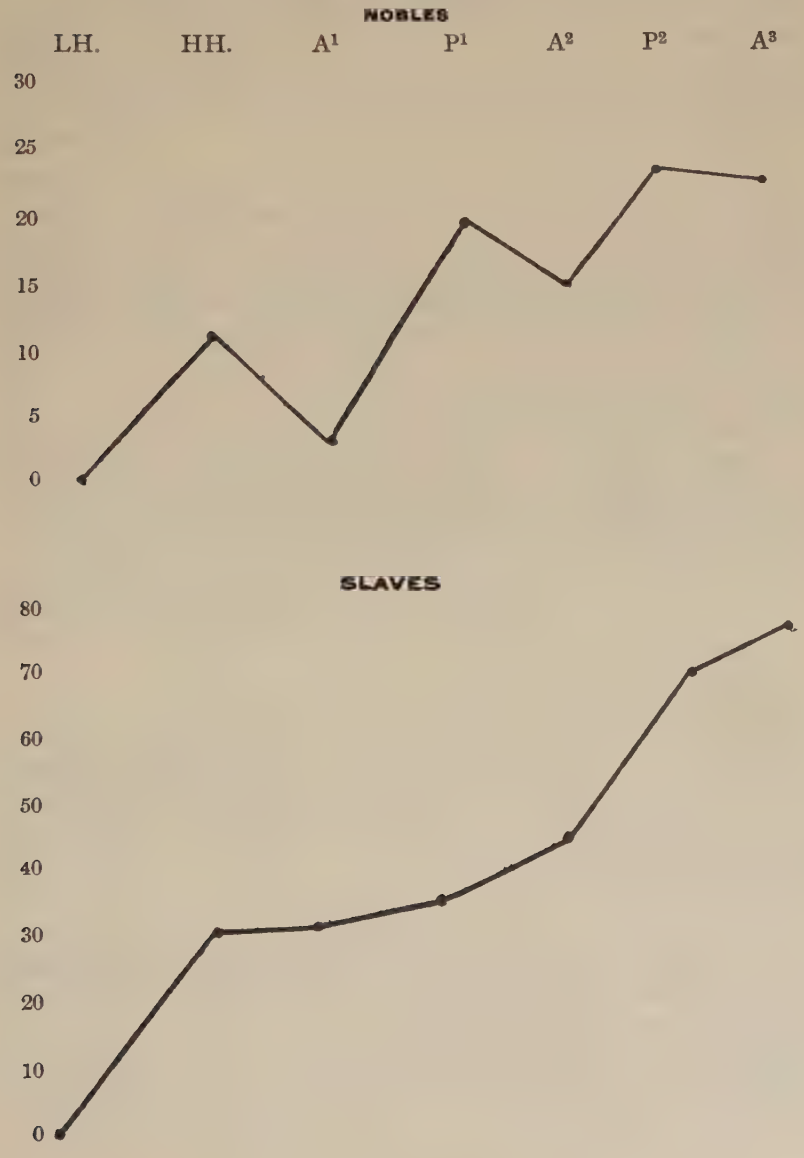
For nobility the figures yield the following fractions:—

Lower Hunters	0
Higher Hunters	.11
Agriculture [1]	.03
Pastoral [1]	.20
Agriculture [2]	.15
Pastoral [2]	.24
Agriculture [3]	.23

These fractions are small throughout, but they indicate, as might be expected, a rise in the higher cultures and also a slightly greater tendency to distinction of rank among the Pastoral than among the Agricultural peoples. The few cases among the Higher Hunters, which somewhat disturb the uniformity of the relations, are almost entirely due (8 out of 9) to the developed fisher peoples

of the Columbia region, who are also responsible for a large proportion of the slave-holding cases in this division. But for this group, the cases in which a nobility exists would be almost negligible in the three lower cultures, while they rise to 23 and 24 per cent. in the two highest. With regard to the cases among the Pastoral peoples, the numbers are certainly very small if we take the Pastoral groups separately, but if we take them altogether we find seven cases out of 32, or just under 22 per cent.—nearly as much as in the highest Agricultural group alone.

THE RISE OF NOBILITY AND SERVILITY MAY BE SHOWN GRAPHICALLY.



APPENDIX TO SEC. II.

We subjoin lists of the cases upon which the preceding conclusions are based.

A. Nobility and Slave Class.

We find evidences of a nobility in the following cases:—

Higher Hunters.
Guaycuru, Tsimshian, Koniagas, Chilcotin, Carriers, Thlinkeet, Lkungen, Kwakiutl, Nootka.

Agriculture.[1]
Arunese, ? Manthra.

Pastoral.[1]
Samoyeds of Siberia, Shasewenses (49), Beni Amer.

Agriculture.[2]
Bali, Azande, Mangbetu, Kei, Tagals, Flores, Arunese, Kiangan (39), Dophla, Uaupes, Malo, New Caledonia, Marshall Islands, Tongans, Rarotongans, Haiwaians, Tahiti, Marquesas, Fijians.

Pastoral.[2]
Kazak Kirghiz, Somal, Bogo, Galla.

Agriculture.[3]
Ondonga, Banyoro, Takue, Woloff, Bamsalala, Kimbunda, Ewe (official), Diakite Sáracolays, Bambara, Nosse bé, Marea, Guatemala, Kayans, Kenyah, Singpho, Maguindanaos (40), Nias, Java Gorontalo, Balinese, Timorese, Adighe, Ossetes, Igorots.

B. Cases of Slavery (*=Life and death power).

Lower Hunters.
Mucasequeres (trade).

Higher Hunters.
Manobos Rio Bay, Italmen, Tuski, Abipones Guaycuru, Goyanaz, Aucas, ? Puelches, Tsimshian,* Klamaths S.W. Oregon, Thompson River, Apache, Similkameen, Kowitchen, Kutchin, Aleuts, Koniagas, Atnas, ? Loucheux, Thlinkeet,* E. Shushwaps, W. Shushwaps, Bellacoola,* Lkungen,* Kootenay,* Kwakiutl, Nootka.*

Agriculture.[1]
Manobos Agusan, Zambales or Tinos,* Negritos of Zambales (44), Arunese, C. Sakai (trade), Abkhases, Lushai (32), Aino (formerly), Roucoyennes (dep.), Miranha, Uanuma, Juri, Passé, Arawak, Guana, Ojibway (some).

Pastoral.[1]
Aeneze (47), Kabards of Sivas, Ova Herero (formerly), Dinka, Beni Amer, ? Khoi Khoin.

Agriculture.[2]

Wajiji, Bangala,* Bali,* Azande, Azimba,* Maravis, Angoni, Barea and Kunama (occ.), Ba-yanzi,* Banaka and Bapuku, Yaunde, Gallinos (trade), Niam Niam, Mayombe, Mangbetu, Bondei, Bateke (trade), Banyang, Bakundu, Mabun, Batom, Wadoe,* Baluba, Bakongo, Oupoto, Mpongwe, Banyai, Muruts, Kei, Kandhs, Land Dyaks, Sea Dyaks, Tagals, Samales,* Engano, Flores, Arunese, Kiangans (39), Pani Kocch, Oraons, Nagas (some, *i.e.*, Ao) (31), Toungtha, Kami, Red Karens (34), Milanau (formerly),* Sambioa (women) (11), Mundrucu, Chiquito, Secni, Chirigirano, Creeks, S.E. Solomons (some), W. Solomons, Moanu, Caroline Islands, Marshall Islands, Gilbert Islands, Maoris, Tongans, Hawaians, Tahiti,* Fijians.

Pastoral.[2]

Turcomans, Midhi, Larbas, Yakuts, Kazak Kirghiz,* Kara Kirghiz, Somal, Danakil (occ.), Beduan, ? Bahima, Bogo, Gallas, Baquerewe.

Agriculture.[3]

Takue, Akamba, Kuku (occ.), Wasinji, Washambala, Wakikuyu, Wapara, ? Sereres, Mbenga, Bahunana, Wachagga, Fanti, Anyanza (60), Wasiba, Bayaka (61),* Suaheli, Kioko, Woloff, Wadigo, Indikki,* Bushongo,* Duallas (formerly),* Basonge, Ababua, Bambala (63),* Yao (formerly),* Basonge Meno, Wapokomo, Waniamwesi (formerly),* Bamsalala, Wagogo (formerly),* Baganda, Kimbunda, Ewe,* Tshi,* Yoruba, Geges and Nagos, Jekris, Diakite Saracolays, Fiote, Bambara, Foolah, Segoo, Kalabar (formerly),* Nosse bé, Marea, Kilwa, Lunda, Marutse, Araucanians, Pima, Pueblos New Mexico, Guatemala, Neuforesen, Kasias (28), Karo Bataks, Kayans (formerly),* Kayans of Mahakam, Kayans of Mindalam (formerly),* Singpho, Padam Abor, ? Bungians (38), Maguindanaos (40), Singkel, Nias,* Khiva, Daians, Java Gorontalo (formerly), Balinese, Padang Malays, Garos, Timorese, ? Suanes (50), Adighe, Ossetes,* Battas, Kenyah, Bagobos,* Igorots.

C. Peoples Holding Tributaries.

Higher Hunters.

Guaycuru, Hupa.

Agriculture.[1]

Arunese.

Pastoral.[1]

Todas, Batauana, Beni Amer.

Agriculture.[2]

Arunese, Red Karens.

Pastoral.[2]

? Bahima.

Agriculture.[3]

Marea, Maguindanaos.

III.—*Cannibalism, Infanticide, and Human Sacrifice.*

Allied with the question of the treatment of enemies, in fact in many cases directly dependent on it, is the question of the extent of cannibalism and also of human sacrifices. With regard to cannibalism we have distinguished what may be called real cannibalism from ceremonial cannibalism. We have not regarded the question whether cannibalism is confined to enemies and strangers on the one hand or to members of the same society on the other, but we have drawn a distinction between the cases in which the object is the material one of making a meal, and that in which it is purely ceremonial, as is proved by the fact that only a small portion of the body is eaten or that it is eaten as a mark of affection and sympathy. We should, however, class under real cannibalism any case in which a person is killed for the sake of eating, even though the eating should only be of a particular organ with a view to obtaining magical powers. Real cannibalism then for us includes:

(1) Cases of killing to eat, and
(2) Cases of eating for the sake of eating.

Ceremonial cannibalism includes only cases in which, death having occurred either naturally or in war, the whole or portion of the body is eaten for sacral reasons. This being understood, we may give the following figures [1]:—

	Cannibalism.	
Names.	Real.	Ceremonial.
Lower Hunters	13½	6½
Higher Hunters	7½	0
Agriculture [1]	8	2
Pastoral [1]	0	0
Agriculture [2]	29	1
Pastoral [2]	1	½
Agriculture [3]	11	2½

The first point that emerges from these figures is that the total number of cases of cannibalism is small in comparison with the number of peoples of whose dealings in war-like matters we have information. It is only among the Lower Hunters that they reach nearly one-third of the whole, and this is almost entirely due to

1. CANNIBALISM. (* = Ceremonial.)

Lower Hunters.

N.W.C. Queensland, Dieri*, N. S. Wales, W. Victoria*, Kurnai, N. Queensland*, Euahlayi*, Maryborough*, Mycoolon*, Pt. Darwin (occ.), ? Some W. Australians, Wotjobaluk, Kulin, Riverina, Ngarigo, Ngumba, Herbert River, Kabi and Waaka, Watchandi, Botocudos, Shoshones* (and occ.).

Higher Hunters.

Puri (occ.), Pitagoar, Goyatacaz, Tamajo, Kauralaig (occ.), ? Montagnais, Chepewayans, Kootenay, Nootka.

Agriculture I.

Canea and Antioquia, ? Manaos (17), Catanixi, Miranha, Arecuna, Marana, Maxeruna, Dacota*, W. Torres St. (occ.), Birhor, Zambales or Tinos.*.

the Australian group.[1] Among the Higher Hunters they fall to about one-eleventh, rise somewhat in the lower stages of Agriculture up to nearly one-quarter in Agriculture [2], and fall again to one-ninth in Agriculture [3]. Among the Pastoral peoples it is noteworthy that we only have one case in all out of 31.

Otherwise no clear correlation with economic culture is indicated. This negative result is still more apparent if we deal with the Australians as we did in the case of monogamy and polygamy. Equating them with the forest tribes as a whole, we get a reduced figure of $4\frac{1}{2}$ cases of cannibalism out of 22 separately reckoned groups, or roughly one-fifth. This is about the same as the proportion in the two lower stages of Agriculture, while the fraction for the Higher Hunters approximates to that of the highest Agriculture.

The distribution of cannibalism is in fact regional rather than cultural, as the following table shows:—

	Cases of "real" cannibalism.		Total cases.
N.A.	6	.....	80
S.A.	15	.....	58
Asia	3	.....	97
Africa	25	.....	126
Oceania	9	.....	38
Australia	12	.....	26

From this table it appears that cannibalism barely exists in Asia and is very rare in North America. In our other four regions it appears in from 20 to 30 per cent. of the cases we have dealt with. Whether this localisation is due to racial or environmental conditions or to culture-contacts is a question on which our evidence does not help us to decide. All we can say is that cannibalism occurs in about one people in four in all grades of the lower cultures, except the Pastoral, in which it is a vanishing quantity.

1. It also occurs in South America among the Botocudos and in North America among the Shoshones as a ceremonial (Bancroft, p. 433).

Agriculture II.

Bangala, Azande, Lendu (? occ.), Quissama (some) (71), Tuchilange (formerly), Mandja, ? Bayanzi, Fang, Monbutu, Niam Niam, Mangbetu (formerly), Warega (formerly), Bateke, Bakundu, Mabum, Wadoc (Religious), Baluba (formerly), Oupoto, Italones, Icannas (some), Uaupes (some), Apiaca, Chiriguano (formerly), Some North Mexicans, Caribs, Waga Waga, Bartle Bay, New Caledonia, Gazelle Peninsula, N. Mecklenburg, Bogadjim, Mafulu, Maoris (formerly).

Pastoral II.

Ama Xosa (occ.), Gallas* (some), Ama Zulu (occ.).

Agriculture III.

Nandi*, Bahuana, ? Anyanza, Bongo, Mabode, Duallas (formerly), Basonge, Ababua, Bambala (63), Yao (some), Dahomi, Warundi? *, Araucanians (formerly), Battas (recent), Igorots* (formerly).

With regard to human sacrifices the case is different. Our table is as follows[1]:—

Names.	Human Sacrifices.
Lower Hunters	0
Higher Hunters	5
Agriculture [1]	0
Pastoral [1]	0
Agriculture [2]	$13\frac{1}{2}$
Pastoral [2]	0
Agriculture [3]	$23\frac{1}{2}$

Here, again, the record of the Pastoral peoples is perfectly clean, and this, taken in conjunction with the almost complete absence of cannibalism, can hardly be accidental. On the other hand, the practice reaches its maximum in the two higher grades of Agriculture, no doubt in response to well-known developments of religious belief. It is remarkable that as between the second and third grades of Agriculture the movement is exactly the reverse of that of cannibalism. We may perhaps suppose that under the better economic conditions the desire for human flesh is less but that this influence is crossed by the growth of those special superstitions which connect the shedding of blood with the fertility of the soil.

In the case of infanticide the cultural influence is more marked. The figures are as follows[2]:—

Names.	Infanticide.	All cases of family relations tabled.
Lower Hunters	$18\frac{1}{2}$	78
Higher Hunters	8	90
Agriculture [1]	3	56
Pastoral [1]	1	19
Agriculture [2]	$8\frac{1}{2}$	170
Pastoral [2]	0	20
Agriculture [3]	6	109

1. Cases of Human Sacrifice.

Higher Hunters.

Manobos Rio Bay, Cowitchen, Comanches (formerly), Koniagas (formerly), Thlinkeet.

Agriculture II.

Bangala, Azande (some), Azimba, Maravis, Baquiri, Wadoc, Caroline Islands, Tahitians, Milanau (formerly), Pawnees, Kandhs, Samales, Khonds, Pankhos.

Agriculture III.

Duallas, Yao (formerly some), Waniamwesi (formerly), Wagogo (formerly), Bawenda (formerly), Ewe, Tshi, Warundi, Kalabar, Benin, Marutse, Bukoba (Widow), Akamba (formerly), Indikki, Chevas, Cazembe, Lunda, Kayans (formerly), Kayans of Mahakam, Kayans of Mindalam, Nias, Daians, Garos, Bagobos.

2. Infanticide.

Lower Hunters.

Narrinjeri, N.S. Wales, W. Victoria, N. Queensland (some), Mycoolon, Pt. Darwin (some), N.W. Australians, Riverina, Ngumba, Herbert River,

Again, to avoid possible exaggeration we "reduce" the Australian figure, and get as the result $8\frac{1}{2}$ cases of infanticide out of a total of 44. This is still twice as high a ratio as any other. Roughly we have among the Lower Hunters one case in five, among the Higher one in 11, in the later Agricultural stages one in 18 to 19, and in the two Pastorals one in 39. There is no improvement in the Agricultural stages, but the Pastoral clearly ranks first, the Agricultural as a whole second, while the Higher Hunters are well above the Lower. On the whole, then, infanticide appears to diminish with the advance of culture, but most markedly in the Pastoral group. The favourable position of this group under all the seven heads here examined is the most striking result in this part of our work.

IV.—*Property.*

Private property in personal matters, weapons, dress, ornaments, appears to exist everywhere. Sometimes, indeed, we hear that it is very little regarded, theft being unpunished or regarded as a jest, while people may borrow freely without the owner's leave. We have kept a heading accordingly for "Property not regarded," but we have in fact found exceedingly few entries to make. What seems almost to justify such an entry is often checked by further information. Thus we are told of the Greenland Eskimo that if a borrowed thing is injured the owner bears the loss, unless it was borrowed without leave. If a man becomes rich needier neighbours would have a claim on his support. Large game like walruses and whales are divided among the whole village, and, in any case, if there is a famine a well-to-do man must divide his food or give

---

Pt. Lincoln, Bungyarlee, C. Australians, Kabi and Waaka, Bangerang, Wankamara, K. George's Sound, Botocudos (occ.), Patwin (occ.), Lower Californians (occ.), Bushmen.

Higher Hunters.

Nicobarese (occ.), ? Guaycuru (25), Gallino Mero, Wappo (occ.), Pit River (occ.), Yokut (occ.), Crees, Similkameen, S. Californians (occ.), Some Chepewayans (formerly), Behring St. Eskimo (formerly), Aleuts (rare).

Dependent Hunters.

Irulas,

Agriculture I.

Yuracares, Guana, Lengua.

Pastoral I.

Todas.

Agriculture II.

Banaka and Bapuku (occ. formerly), Bondei (occ.), Wadoc (occ.), Kandhs, Nicobarese (occ.), Nagas, Khonds, Kalingas, Chiriguano (occ.), E. Torres St. (occ.), Hawaians, Fijians (occ. formerly).

Agriculture III.

Takue (occ. formerly), Nandi (occ.), Waschambala (occ.), Wachagga (occ.), Warangi (occ.), ? Ababua, Jekri (occ.), Nosse bé, Araucanians, Kayans (occ.).

feasts. It would seem that in such cases we are dealing not with the negative fact of disregard of property, but with a positive custom of neighbourliness and mutual aid, tending towards but not reaching communism.[1] This tendency shows itself most markedly in rules for the distribution of food, sometimes of the harvest, more often of the hunting booty. The kill may be distributed among the hunting party—and sometimes etiquette assigns to the actual killer the smallest share—or it may be divided among the whole camp, or the village, or among the man's relations, or his wife's relations. The rules of apportionment are sometimes very minute, assigning a shoulder to one relative, a leg to another, and so on. Under the head "Customary distribution" we enter all rules that are to be found preventing the hunter from keeping the kill for himself or his wife and children. When the crop is harvested in common and distributed we enter the custom under the same head.[2]

We pass next to the ownership of land. We may be told that no property in land is recognised. This probably comes to the same thing as tribal ownership of land, for unless population is exceedingly sparse tribes appear always to recognise their boundaries and to resent unauthorised intrusion. However, we make separate heads for "No property in land" and "Tribal ownership of land." We should say that there is true tribal ownership of land when, *e.g.*, every individual and every section of a tribe is free to hunt the entire area, but no outsider would be tolerated in the area without special permission, and would be liable to be killed at sight unless he satisfied the tribesmen that he came as a suppliant, an envoy, or a trader. It cannot in such cases be denied (*a*) that the tribe is exercising collective ownership as against others; (*b*) that it admits no individual or sectional ownership within its limits. Thus there is tribal ownership.

But within the tribe or secondary group a section, a local group, a clan, a village, or a band may own defined portions of the area. In grouping these cases we encounter the difficulties of nomenclature that we have discussed before. We have in the table used the term "Gentile" for ownership, not only by a clan but by any minor group within a tribe, but we must confess to a difficulty in deciding in many instances between the two headings. For instance, land may be owned by a village which is part of a tribe, but contains clans, or at least organised kindreds, within it. So far as possible we have dealt with such cases by writing "village" under the heading "Gentile," but there may or may not be gentile property also within the village, and we cannot, without over-elaborating our tables, deal with all these cases. We would not, therefore, lay much stress on the distinction between tribal and

1. The Aleuts are said to think it right to help themselves to things that they seriously need—there is so little thieving that things are left unprotected. (Weniaminow, *Beiträge zur Kenntniss des russischen Reiches*, Bd. I, p. 18.)

2. Among the Creeks planting and harvesting were carried out in common. A portion was stored in the public granary for the use of the necessitous, the rest was divided among the households. (Bartram, *Trans. American Ethn. Society*, pp. 40, 41.)

gentile property in our tables, but would associate these heads—adding to them the cases of "no property"—in contrast to the tenure by families and individuals. This last pair also tend to run into one another. There is a clear distinction in thought between land which belongs to a family and is held by the head for the time being only as steward and administrator and land which belongs to an individual out and out and therefore may be fairly alienated.[1] Often it is easy to distinguish them, and this is done accordingly, but often also information is defective and there is little to choose between the one head and the other. In using the tables then we had best group the heads "no property," "tribal," and "gentile" against the pair "family" and "individual" as forms of what is on the whole common against what is either individual property or property of the family in the narrower sense.

Very often we find both kinds of tenure combined, and the combination may be of different kinds. Thus the land may belong to the tribe, but within it any family may occupy and cultivate any land it chooses, and may retain it as long as it is cultivated. We deal with this by writing "Occ." (Occupational) under "Family" (or Individual, as the case may be).[2] But the individual or family possession may also become a permanent ownership of a plot small or large within the tribal area. There is still tribal land; there may even be tribal land cultivated or common for sacral purposes

1. Thus among the Negritos of Zambales the planting ground is the personal property of the head of the family which cleared it, and he can sell or otherwise dispose of it (Reed, p. 43). Among the Kurds of Eriwan all the property of the family belongs to the family except the wife's dowry (von Stenin, p. 223). On the other hand among the Baquerewe the family chief is said to administer the common goods. (Hurel, *Anthropos,* vol. 6, p. 285.)

2. Thus among the Basonge Meno (*Annales,* Series III, Tome II, p. 26) each village owns a strip on the river, the harvest belongs to the family. Among the Creeks everyone may hunt in the entire tribal area except the land about the village which is apportioned by the community among its members, according to the size and convenience. Among the Oraons there is common ownership of land in some districts with a periodical redistribution as between the classes (Hewitt, *J.R.As.S.,* 1899, p. 336). Among the Ossetes some lands are held in common, in others land is apportioned to several families (Morgan, *J.R.As.S.,* 20, p. 380). When the usufruct belongs to the family, on its extinction the land returns to the tribe (p. 295).

The Yakuts have a system of periodical redistribution (*J.A.I.,* 31, p. 74). Among the Kazak Kirghiz we find evidence of transition. Each division of the tribe would resent intrusion on its land. For the winter abodes there used to be constant quarrels. Now each family has a certain place which is hereditary and alienable only by sale in the presence of witnesses (Radlov, p. 415). Among the Khonds there is little restriction on individual occupation, but ownership depends on occupation though it appears that land may also pass by sale. (Macpherson, *Memorials of Service in India,* pp. 62-63.)

or on behalf of the necessitous, but there is also family or individual land.[1] Such cases are entered under both heads.

The tribal (or gentile) land may be administered by a chief who allots portions to families or individuals. Perhaps the chief may be regarded as owner. Perhaps he may be simply administrator.[2] In either case when we find him exercising such a function we make an entry under the heading "Ownership by chief." Then if there is clear evidence that the land is really held to belong to the tribe we have an entry under that head as well. If there is no such evidence the entry stands under "Chief" alone, and it may be presumed that his control is at least so far the dominating fact that it is the only thing that has impressed our reporter.

Again, land may belong to a special class, who will then be of the nature of a privileged nobility, the rest of the community being slaves, serfs, vassals, or at best labourers or tenants. We enter these cases of ownership under "Nobles."[3]

1. Among the Hill Dyaks most of the land is tribal, but there are some private plots near the houses (Ling Roth, *Natives of Sarawak,* vol. i, p. 419). Among the Navahos family ownership seems to have arisen with the transition to pasture and agriculture. The water is still theoretically common property, but through the family ownership in land public access to watering places passes away (Mindeleff, *Smiths. Rep.,* 1895-6, Pt. II, p. 485).

Among the Waschambala (Steinmetz, p. 262) all uncultivated land was common property but cultivated land had its owner. The most obscure cases of the mingling of private and public ownership are in Australia.

2. Among the Bushongo (*Annales,* Series III, Tome II, p. 90) land belongs to the chief as representative of the tribe and cannot be sold. A stranger may take land by general consent. Among the Warega (Delhaise, p. 303) land belongs to the inhabitants of a village in common represented by their chief. Among the Bahuana (Torday and Joyce, *J.A.I.,* 36, p. 284) land belongs nominally to the chief but really to the community. On the other hand among the Somal (Paulitschke, ii, p. 44) land belongs to the Sultan and nobles who give it out in fee to the tribes, and among the Ondonga (Steinmetz, p. 343) land belongs to the chief; pastures and woods are common and hunting is free. Among the Thlinkeets, according to Boaz, the gentile property was vested in the chief. Among the Tolowa each chief inherits a portion of the coast on behalf of his band (Powers, pp. 65-6). The Singpho (Wehrli, *I.A.E.,* 16, p. 34) land belongs nominally to the chief but really to the community, and under the community to the households. Among the Ainu the chiefs are said to have seen to the subdivision of the land (Batchelor, p. 187). Among the Passumahians the land is said to be owned by the chief, but as his power is described as merely nominal this must be mainly theoretical (Junghuhn, vol. ii, p. 307). The chief, however, may control cultivation. Among the Warundi land belongs to the king and under him to the chiefs, to whom any one who wishes to cultivate must apply (Burgt, p. 469). Similarly among the Bageshu it is stated that to work the land the permission of the chief is necessary (Roscoe, *J.A.I.,* 39, p. 193).

3. Among the Thlinkeets Swanton speaks of clans that had no land, having to resort to what was common or to wait till the owners of other land were done with it (*Smiths. Rep.,* xxvi, p. 425). Among the Maguin-

Lastly, it may or may not be possible to lease or let land at a money or labour rent. We have noted carefully and entered the few cases in which this custom is reported.

The results may be summarised as follows:—

	No Prop.	Tribal	Gentile	Family	Indiv.	Chief	Nobles	Leased
L.H.								
N.A.	—	—	—	—	—	—	—	—
S.A.	—	—	1	—	—	—	—	—
Asia	3½	—	1	—	1	—	—	—
Africa	—	—	—	—	—	—	—	—
Australia ..	1	6	9½	7½	3½	—	—	—
	4½	6	11½	7½	4½	—	—	—
H.H.								
N.A.	1	9½	12	2½	1	4	3	2
S.A.	—	—	2	—	—	—	—	—
Asia	—	1	—	1	—	—	—	—
Africa	—	—	—	—	—	—	—	—
Oceania ...	—	—	—	—	1	—	—	—
	1	10½	14	3½	2	3	3	2
Dept. H. ...	—	1	1	—	1	—	—	—
A.[1]								
N.A.	—	4	—	3	1	—	—	—
S.A.	—	4½	2	1	2	—	—	—
Asia	—	½	1	1	1½	½	—	—
Africa	—	—	—	—	—	—	—	—
Oceania ...	—	½	—	—	1	—	—	½
	0	9½	3	5	5½	½	0	½
P.[1]								
N.A.	—	—	1	1	1	—	—	—
S.A.	—	—	1	—	—	—	—	—
Asia	—	—	1	1	2	—	1	—
Africa	—	3½	—	1	1	—	—	—
	0	3½	3	3	4	—	1	—
A.[2]								
N.A.	—	5	3	3½	1½	—	—	—
S.A.	1	2½	6	1	1	—	—	—
Asia	—	6½	3½	—	12	3	—	2
Africa	5	7	2	3	10	3	—	1
Oceania ...	4	7	7	8½	11	6	4	1
	10	28	21½	16	35½	12	4	4

danaos (Ausland, 1891, p. 889) we find a kind of a feudal system, the subjects having to pay a tax *in natura* as well as to cut and fetch wood for the Dattos. Among the Igorots there were a few families in each village to whom the land belonged, the rest being serf-cultivators (Dr. Pet, 1882, p. 41). Among the Tscherkesses land was owned by nobles and their vassals the tillers paying duties in cattle (Bodenstedt, p. 104).

	No Prop.	Tribal	Gentile	Family	Indiv.	Chief	Nobles	Leased
P.[2]								
Asia	—	3	5	1	—	—	—	—
Africa	½	2	—	½	1	4	—	—
	½	5	5	1½	1	4	—	—
A.[3]								
N.A.	—	1½	1	1	2	—	—	—
S.A.	—	—	1	—	—	—	—	—
Asia	—	6	2	5	4	5½	4	3
Africa	—	16	6	6	20	27	1	4
Oceania ...	—	—	—	—	—	—	—	—
	0	23½	10	12	26	32½	5	7

A feature which strikes the reader on the surface of these tables is that among the Lower Hunters the only group supplying instances of family or individual property in any number is the Australian. Outside Australia we have, in fact, only one case of individual, and none of family, property. On the other hand, in Australia we have 12 cases under one head or the other. This is a much larger number than we have for the Higher Hunters as a whole, and more—though not in proportion to the size of the group—than the number under Agriculture[1]. Moreover, apart from the Lower Hunters, the number of instances of family and individual property mount continuously from the Higher Hunters to Agriculture[3], falling off only in the Higher Pastoral stage. The case of the Australians, therefore, presents an exception to what otherwise would seem to be a fairly continuous tendency. We have then to ask what really is the case with regard to tenure of land in Australia. Unfortunately, no clear answer can be given. The facts in many cases are involved in great obscurity. Among the Central Australians the collective ownership of land by the local group is made quite clear by Spencer and Gillen; but in several parts of Australia ownership by individuals or families is asserted. The question, however, is what this ownership amounts to. J. Browne (Dr. Petermann's *Mittheilungen*, 1856, p. 448) says of the King George's Sound tribes that land was possessed by families and individuals, but that it was difficult to say in what private property consisted as the whole tribe could hunt over its area, whereas a non-tribesman would not be allowed to trespass. The only clear prerogative which he seemed able to attach to the owner was that of taking the lead in this resistance.

A curious case is that of the Yuin, among whom the child inherited the country in which he was born, and moreover endowed his father with it at the same time if the birth happened to take place away from the father's own locality.[1] So also the head-man of the Theddora said that the country in which he was born was his, and would be just the same for anyone who was born there; while a similar remark is attributed to an old man of the Wolgal tribe.[2] In these cases there can be no such thing as real individual

1. Howitt, p. 83.
2. *Ibid.*

ownership, because an indefinite number of people may be born in any given locality, the habits of the people being nomadic and visiting being frequent. But if we ask why a man should have a certain right to the district in which he was born, perhaps we may find the explanation in the belief, prevalent among the Central Australians, that the child is the incarnation of an ancestral spirit residing on the spot. It seems very probable that some modification of this theory is at the back of the element of individual ownership of land in Australia, and that this sacral conception of ownership was blended in practice with possession by the local group.

The Australian figures, therefore, are subject to this doubt, and we have further to consider the frequency of the custom of sharing the kill, which also points sometimes to family, sometimes to group communism. We may therefore suspect that the exceptional position of the Australians is more apparent than real.

In order to interpret these tables we have followed the method of grouping different cases in such a way as to exhibit the preponderance at various stages of the communal or the individual principle, or, again, the power of the chief or the nobility. We first make nine groups as follows:—

Group I.—Under this group we bring cases of "No property," tribal and gentile. All these are varieties of the communal principle, and along with them we take cases of customary distribution where they extend beyond the family.

Group II.—Tribal and gentile combined with chief; that is to say, where we have property entered not only under the heading tribal or gentile but also as belonging to the chief, whether it be that the chief owns a part of the land or, as is somewhat more frequent, is something between the administrator and the owner of the gentile or tribal land as the case may be.

Group III.—No property, tribal property, and gentile property, with or without the assignment of any special rights to the chief, but combined with family or individual occupation only, as distinct from family or individual ownership. This is a very common combination. We include in this group cases where customary distributions are asserted, taking them as evidence of tribal or gentile property as the case may be.

Group IV.—No property, tribal or gentile, combined with family or individual ownership as distinct from occupation.

Group V.—Family property only.

Group VI.—Individual property only.

Group VII.—Property attributed to chief only, or with occupation by individuals or families.

Group VIII.—Property attributed to the chief, with family or individual ownership.

Group IX.—Property belonging to the nobility.

	Property in Groups.								
	I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.
L.H.									
N.A.	—	—	—	—	—	—	—	—	—
S.A.	1	—	—	—	—	—	—	—	—
Asia	4½	—	—	1	—	—	—	—	—
Africa	2	—	—	—	—	—	—	—	—
Australia	19½	—	—	5	3½	2½	—	—	—
Total	27	—	—	6	3½	2½	—	—	—
H.H.									
N.A.	22½	3	1	2½	—	—	1	—	2
S.A.	3	—	—	—	—	—	—	—	—
Asia	1	—	—	—	1	—	—	—	—
Africa	—	—	—	—	—	—	—	—	—
Oceania	—	—	—	—	—	1	—	—	—
Total	26½	3	1	2½	1	1	1	0	2
Dep. H.	1	—	1	—	—	—	—	—	—
A.[1]									
N.A.	—	—	3	1	—	—	—	—	—
S.A.	5½	—	½	1	1	—	—	—	—
Asia	1	—	½	—	1	1	—	—	—
Oceania	—	—	—	1	—	—	—	—	—
Total	6½	—	4	3	2	1	—	—	—
P.[1]									
N.A.	1	—	—	—	½	½	—	—	—
S.A.	1	—	—	—	—	—	—	—	—
Asia	1	—	—	—	½	1½	—	—	—
Africa	3½	—	—	—	½	½	—	—	—
Total	6½	—	—	—	1½	2½	—	—	—
A.[2]									
N.A.	4	—	2	1	—	—	—	—	—
S.A.	9½	—	1	—	1	—	—	—	—
Asia	2	—	1½	6	—	4	½	1	—
Africa	3	—	9	1	—	1	2	—	—
Oceania	3	1	3	7	1½	2½	—	2	3
Total	21½	1	16½	15	2½	7½	2½	3	3
P.[2]									
Asia	5	—	1	—	—	—	—	—	—
Africa	—	½	—	—	½	—	3½	—	—
Total	5	½	1	—	½	—	3½	—	—

A.[3]	I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.
N.A.	—	—	—	3	—	1	—	—	—
S.A.	1	—	—	—	—	—	—	—	—
Asia	2	—	—	6	1	—	3½	—	4
Africa	1½	4	8	5½	1	3	11	2	2
Oceania	1	—	—	—	—	—	—	—	—
Total	5½	4	8	14½	2	4	14½	2	6

We then re-group these groups. We take the first three as cases in which the communal principle predominates; the fourth as the typical inter-mixed system; the fifth and sixth as the predominance of family and individual property; the seventh and eighth as the predominance of the chief; the ninth that of the nobility. Calling these groups A, B, C, D, and E, we get the following table, showing:—

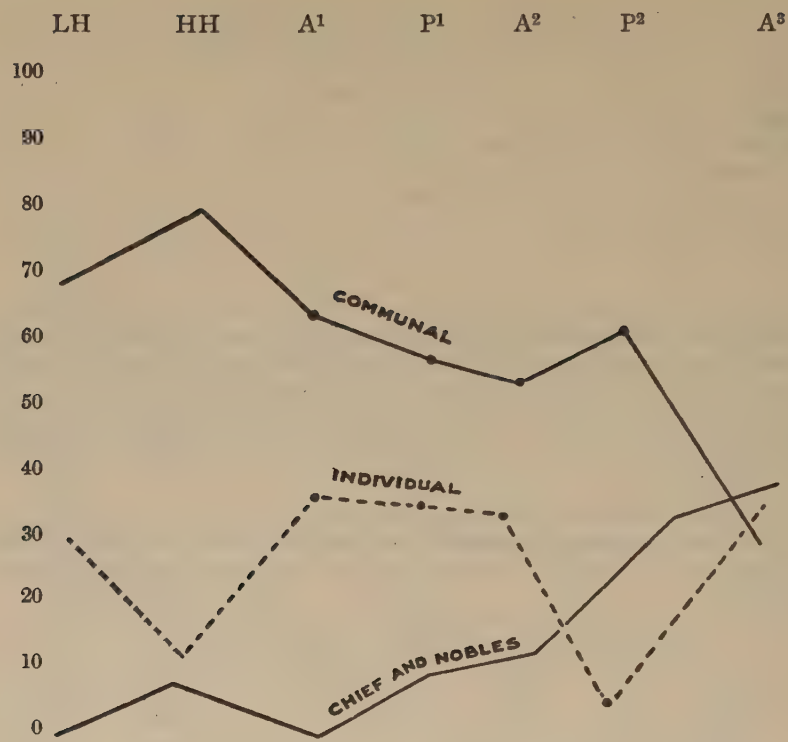
(1) The numbers at each stage.
(2) The percentage which that number constitutes of all the peoples at that stage, of whose property customs we have information.

	Communal A	Intermixed B	Private C	'Chief' D	Nobles E	Total
L.H.	27	6	6	0	0	39
H.H.	30½	2½	2	1	2	38
Dep.	2	—	—	—	—	2
A.[1]	10½	3	3	—	—	16½
P.[1]	6½	—	4	—	1	11½
A.[2]	39	15	10	5½	3	72½
P.[2]	6½	—	½	3½	—	10½
A.[3]	17½	14½	6	16½	6	60½
	138½	40	32½	26½	12	248½

As Fraction of Total.

	A.	B.	C.	D.	E.
L.H.	.69	.15	.15	.0	.0
H.H.	.80	.06	.05	.03	.05
A.[1]	.64	.18	.18	.0	.0
P.[1]	.57	.0	.35	.0	.09
A.[2]	.54	.21	.13	.08	.04
P.[2]	.62	.0	.05	.33	.0
A.[3]	.29	.24	.10	.27	.10

Column B leans to the private side, since the principle is certainly recognised and may in many cases predominate. In the accompanying graph we show the effect of combining it with Column C, while D and E are also combined.



In considering these curves the first point to be borne in mind is the caution given above as to the value of the figures for private and family property in Australia, and this would lead us to suspect that the communal principle is somewhat more fully developed among the Lower Hunters than our percentage shows, and if that is so the general trend would be more continuous than appears from our diagram.

Next we should read in conjunction with the diagram the numbers of cases in which land is either leased or let. There are two such instances among the Higher Hunters, but otherwise there are none, except one case in A.[1], until we come to A.[2], where there are four, while in A.[3] there are seven. The two cases among the Higher Hunters come from the specially differentiated group of fisher peoples on the Pacific coast, which also supply us with the cases in which land is held by nobles at this grade. But for these exceptions, and for one case of the ownership of land by nobles in the Lower Pastoral grade, we find no cases either of differentiation in landed property as between classes, or of the correlative system of leasing, until we get to the two Higher Agricultural stages. Economic differentiation, in fact, only begins to set in at about the second grade of Agriculture—at least it is only here that it shows itself in land ownership. Among the Pastoral peoples the wealth is in flocks and herds, and the ownership of land is a matter of less importance.

It will be seen that the communal principle loses ground rapidly in the Agricultural stages, but not so much in the Pastoral, where it remains but little below the level of A.[1] The communal principle, however, does not lose to the purely individual, which is nearly stationary apart from a heavy drop among the Higher Hunters and the Higher Pastoral. The gainers are the "chief" and the "nobles," who rise from almost the zero point in the three lowest stages to over 30 per cent. in the two highest, and it is this gain which checks the advance in the individual principle, for what this principle gains from the communal it loses to the signorial.

This change, indicating as it does, the growing importance of social differentiation, is accentuated by the increase in the cases in which land is in some sense let or rented in the higher stages. At the same time it is probable that private property, whether of the individual or of the family, is also really extending. If we look back at the earlier tables we find that in Agriculture [1] the cases of family and individual ownership together are $10\frac{1}{2}$ as against $12\frac{1}{2}$ tribal and gentile together. In Agriculture [2] there are $51\frac{1}{2}$ as against $59\frac{1}{2}$, and in Agriculture [3] there are 38 as against $33\frac{1}{2}$. These figures show an increase in the individual principle as Agriculture advances, but the advance in the position of the chief is even more marked—only one doubtful case of ownership by the chief is given under A.[1], 12 are tabled under A.[2], and $32\frac{1}{2}$ under A.[3] Now these cases of ownership by the chief and individual or family overlap, two principles being combined as explained above, and it is this combination which explains the sharp rise in the Highest Agriculture of the cases of ownership by the chief. We may express the whole tendency best by saying that communal principle predominates in the lower stages of culture and retains a small preponderance among the Pastoral peoples,[1] and that private ownership tends to increase in the higher Agricultural stages, but partly in association with the communal principle, partly qualified by dependence on the chief, or, in some instances, by something of the nature of a feudal tenure. We seem in fact to get something of that ambiguity as between signorial and popular ownership that we find at the beginning of our own history. Over and over again, at the stage in which barbarism is beginning to pass into civilisation, the communal, the individual and signorial principles are found interwoven, and our figures simply reflect the proportions of cases in which, as a whole, one of these principles tends to outweigh the others. Judged by our figures, the communal and the signorial tendencies are still fairly balanced, and it seems to be the next step upwards in civilisation which gives its preponderance to the power of the lord.

Conclusion.

The degree of correlation between social institutions and economic development, so far as can be judged from this experimental tabulation of the data, varies very greatly from case to case.

1. We cannot lay stress on the high fraction for family and individual ownership in P[1] which depends on four cases only.

Upon the whole the variations accord with general probability, for the economic development may be taken as a rough index of the amount of intellect and organising power available for the shaping of the life of a society. Accordingly, we are prepared to find that in the points indicative of social organisation there is a certain correspondence with the economic advance. This we have found in the development of government and of justice alike, in the fact that as we mount the scale there is more of government and more of the public administration of justice within society, and in the fact that the unit for government and justice extends. Both intensively and extensively there is a growth of order corresponding roughly to the industrial advance.

On the other hand economic development has no necessary connection with improvement in the relations between members of a society. It does not imply greater considerateness or a keener sense of justice, and may in some ways be held even adverse to them. Thus in relation to marriage and the position of women, we find little change throughout the grades, and of those which we do find the most marked are specifically connected with the economic factor, viz., the extension of purchase and of general polygamy. Apart from these we note an apparent tendency to a consolidation of the family under the paternal system, which it is perhaps not fanciful to compare with the growing organisation of society. This tendency is especially marked in the Pastoral peoples, but is there accompanied by a lowering in the status of the woman, which again we may associate with her lower economic value as compared with the Hunting and Agricultural stages. In the main, however, the result of this part of our work is to show stability rather than progress or deterioration. For, though there are remarkable minor variations in certain culture areas, if we take great regional divisions or entire grades of culture the tendency to uniformity of level is more striking than the departures from it. The only serious exception is the case of Australia, which in so many respects stands by itself.

Economic causes again are associated with the development of organised warfare and the substitution of the enslavement of prisoners for their slaughter, liberation, or adoption. With the decline of infanticide, the better security for food, and the extension of order, we may infer a growing population, in some cases a desire for territorial extension, in others a demand for slave labour. The mere extension of regular industry makes for social differentiation, since the effects of energy and thrift become cumulative. Hence we have the partial rise of a nobility and the more extensive development of a servile or semi-servile class. Hence, also, the communal tenure of land gives way, and while in some cases it blends with individual occupation or ownership, in others it passes more or less effectively into the hands of a chief or a nobility. On all sides social and economic differentiation replace the comparative equality of the hunting peoples. The extension of order is also, upon the whole, an extension of subordination.

APPENDIX I.

LOWER HUNTERS.	No landed property	Land tribal	Land gentile	Land family	L indi
Swan River				?	
Murray R.		+			
N.S. Wales				+	
W. Victoria				+	
Kurnai				+	
Gournditch Mara		+			
Some W. Australia					
Narrinjeri					
Queensland					
N. Queensland		+		+	
Euahlayi					
Yuin			+		
Mycoolon		+			
Dieri			+	+	
Powell's Creek	+				
Port Darwin		+		+	
Ngarigo					
Yerkla Mining					
Narranga					
Karamundi					
Wolgal					
Wiradjuri					
Wotjobaluk					
Mukjarawint					
Wurunjerri					

nd gs to ief	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
			+				
				−	+		C.
							R.
							C.
				+			
							C.
					+		
							R.
				+			
							R.
							C.
							C.
							C.
							R.
							C.
							R.
							R.
							R.

	No landed property	Land tribal	Land gentile	Land family
Kulin		+		
Gringai				
Chepara				
Central Australians			+	
N.C. Australians			+	
Kabbi and Waaka			+	
Herbert River			?	
Geawegal				
Maryborough			+	
Watchandee				
Newcastle				+
King George's Sound			+	
N.W. Australians			+	
Kubu	+			
Semang	+			
Sakai	+			
Andamans	?			
Punan				
Veddas			+	
Botocudos			+	
Fuegans				
Wintun				
Lower Californians				
Batua				
Lulongo Batua				

d to f	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
							C.
							C.
							C.
							+
					+		
							C.
							+
							+
							+
							+
					+		
					+		
					+		
					Some		+
				–			

	No landed property	Land tribal	Land gentile	Land family	
Bushmen					
HIGHER HUNTERS.					
Abipones			+		
Guaycuru					
Mura					
N. Chaco			+		
Tehuelches					
Kauralaig					
Point Barrow Eskimo					
Behring Str. Eskimo					
Central Eskimo	+				
Greenland Eskimo		+			
Chepewayans			+		
Loucheux					
Chilcotin					
Carriers					
Tsekhene			+		
Thlinkeet		+	+	+	
Lilooet		+	+		
E.S. Shushwap		+			
W. Shushwap		Some			
Lkungen			+		
Coast Salish			+		
Kootenay		+			
Kwakiutl			+		

to ?	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions +
					+		
					+		
					+		+
				−			
						−	+
	+			−	+		+
					+		+
							+
							+
							+
	+						
	+						
							+
							+
	+	+					
				−			+

	No landed property	Land tribal	Land gentile	Land family	
Nootka - - -		+			
(4) Tolowa - - -			+		
(9) Hupa - - -					
Yuki - - -					
Tatu - - -			Jt. House		
(7) Tsimshian - -		−	+		
Petawet - - -					
Omaha - - -		+		Occ.	
Crees - - -					
Blackfeet - -					
Thompson River -		+			
Apache - - -					
Seri - - - -					
Luisenos - - -			+	?	
Micmacs - - -					
Etechemins - -					
Montagnais - -					
Comanche - -		+			
Haida - - -			+		
Nicobarese - -		+			
Ghiliaks - - -					
Koryaks - - -				+	
DEPENDENT HUNTERS.					
Korwa - - -		+			
Bhuiyar - - -					

to	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
					?		
						−	
					+		
				+			
					+		
				+			+
				−			+
							+
							+
			—				+
			—				+
			—				+
					+		
				−			
				+			

	No landed property	Land tribal	Land gentile	Land family	inc
(36) Bataks of Palawan			+		
AGRICULTURE INCIPIENT.					
Negritos of Zambales					
Jakun					
Perak Semang			Village		
Central Sakai				+	
Ainu		?			O
Karayaki		+			
(13) Roucoyennes		+			
Yuracares					
Charantes					
(22) Matacco		+			
(12) British Guiana		?			(
Shingu		+			
Mbaevera			House		
Yamandi				+	
Ipurina			House		
Lengua					
Ojibway		+		+	
Dakota		+			(
Iroquois		+		Occ.	
Delaware		+		Occ.	
W. Torres Straits		Some			
PASTORAL.					
Tobas			Jt. House		
Navaho			Formerly	Now	

d s to f	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
				–			
					+		
					+		
					+		
					+		
					+		?
					+		+
			?	? –			
		Some		–			
					+		

	No landed property	Land tribal	Land gentile	Land family	in
Ovaherero - -					
Batauana - -		+			
Dinka - - -		?			
Beni Amer - -		+			
Khoi Khoin - -		+			
Wambugu - -				+	
(25) Samoyedes - -				+	
Aeneze - - -					
(49) Shasewenses - -					
(45) Kurds of Eriwan -					
Todas - - -			+		
AGRICULTURE.					
Campas - - -	+				C
Tapuya - - -					
Jivaro - - -			Jt. House		
(16) Uaupes - - -			+		
Apiaca - - -			+		
(15) Guarayos - - -			+		
Chiquito - - -					
Senci - - -		+			
(26) Bororo - - -		? +			
Chiriguano - -				+	
Gagua - - -			Jt. House		
(18) Galibi - - -			+		
Sambioa - - -		+			

to	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
				+			
				−			
				+			
				+			
	+					− Some	
				+			
							+
				+			
					+		
					+		

	No landed property	Land tribal	Land gentile	Land family	ind
Wyandot		+	Occ.	Occ.	
Natchaz		+			
Seminole				Occ.	
Creeks		+		+	
Woolwa			Village		
Winnibego			Jt. House		
Tarahumare		+		? Occ.	?
Huicols		+			
S. Melanesia	Bush			Some	S
Florida	Bush		+	Occ.	S
Saa	Bush				
Koita		Bush	+	Occ.	
Waga Waga		Bush	+		
Louisiades				+	
New Hebrides					
New Caledonia					
Gazelle Peninsula	Hunting			+	Fis
Mowat					C
Bogadjim			+	Gardens	
Mafulu		Hunting	Houseland		C
Jabim		Village			
Motu					
Marshall Islands		+			
Peleu Islands					
Gilbert Islands					

o	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
			Some	−			
			+	Some			
				+			
				Land			
				−			
			+	−			
			Some	Some			
				−			
				−			
				−			
				+			
							Theft disregarded
				−			
				−			
				−			

	No landed property	Land tribal	Land gentile	Land family	
E. Torres St.				+	
Maoris		+			
Rotuma			+		
Tongans					
Samoa				+	
Rarotongans					
Hawaians					
Tahitians					
Marquesas					
Fijians		+		+	
Savage Islands			+		
Kei		+			
(30) Kandhs					
Dhimals					
Nicobarese		+			
Land Dyaks		+			
Sea Dyaks					
Limbus					
Karinthes					
(41) Tagals					
Mountain Tagals			+		
Mentawez					
Bontoc			+		
(55) Engano		+			
(58) Flores			+		

d s to f	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
		+		−			
				−			
g	Feudal						
			+	−			
	+						
g	Feudal						
g			+				
	+						
				−			
				+			
				+			
				−	+		
		+			+		
				+			
				+			
ne				−			
				−			

	No landed property	Land tribal	Land gentile	Land family	in
Badjus - - -		+			
Kiangans - -					
Pani Kocch - -					
Lepchas - - -					
(29) Oraons - - -		Some	Some		S
Nagas - - -					
(59) Khonds - - -		+			C
Kami - - -					
(66) Bangala - - -	+		Occ.	Occ.	C
Bali - - -		+			C
Azande - - -	+				C
Wawira - - -					
(72) Barea and Kunama -					
(67) Mandja - - -	+				
(68) Baquiri - - -		+		Occ.	C
Banaka and Bapuku		+		Occ.	
Mayombe - -			+		
Mangbetu - -		+			
Wambugwe - -	+				C
Bageshu - - -					
Warega - - -		+			C
Wafiomi - - -	+				C
(69) Bondei - - -		+			
Basoga - - -					
Wadoc - - -		+			C

to	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
				−			
			+	+			
e		+					
				+			
				+			
		+		+			
				−			
			−	+			
				−			
				+			
				−			
				−			
				−			

	No landed property	Land tribal	Land gentile	Land family	
PASTORAL +					
(46) Kara Kalpaks			+		
Midhi			Jt. House		
Larbas		+			
Mishmees			Jt. House		
(51) Yakuts		+	Occ.		
(52) Kazak Kirghiz		+	+	Later	
Altaian Kalmucks					
Somal		Occ.			
Danakil		Occ.			
Bahima	?				
Bogos					
Gallas					C
(73) Baquerewe				?	
AGRICULTURE +					
Bushongo		+			
Basonge		+	Village		
Ababua		+			
(63) Bambala					
Yao		+			O
Basonge Meno			Village	Occ.	
Wapokomo				+	
Waniamwesi					O
Bamsalala					
(65) Wagogo					O
Baganda					

	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
					+		
					+		
				+			
				+			
				+			
			—	+			
				+			
				+			
			—	+			
				−			
				+			
a				+			

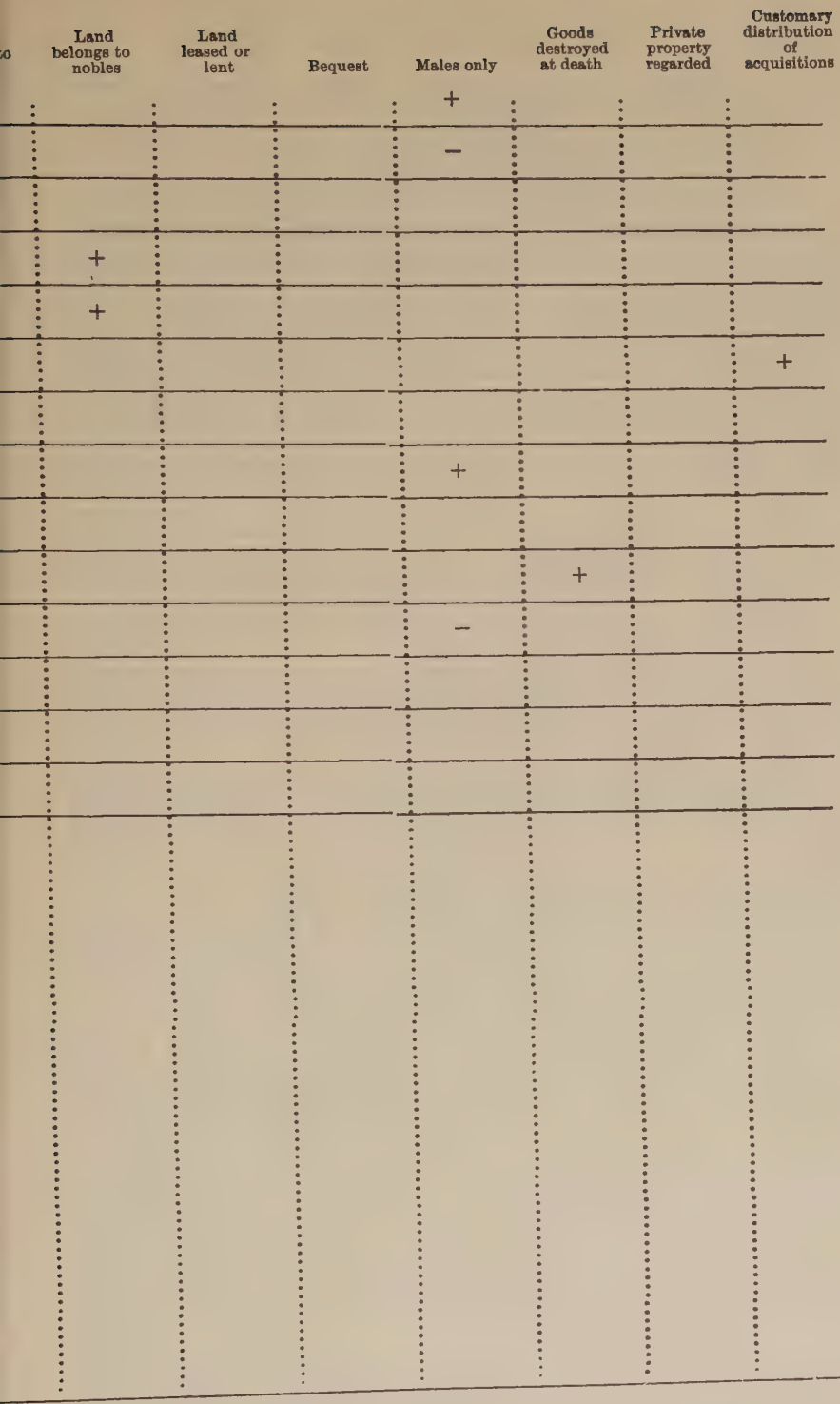
	No landed property	Land tribal	Land gentile	Land family	in
(64) Baronga - - -					
Dahomi - - -					
Ewe (other tribes) -		+			
Tshi - - -		+			
(62) Yoruba - - -		+		Occ.	
Geges and Nagos -					
Diakite - - -					
Warundi - - -					
Fiote - - -					
Benin - - -					
Nossi bé - - -					
Amahlubi - -					
Ondonga - - -		+			
Bukoba - - -			+		
Basutos - - -		+	+		
(74) Alur - - -					
Takue - - -					
(77) Nandi - - -		+		Aldai N.	Al
Akamba - - -		+			
(76) Kuku - - -			Occ.		
(75) Washambala - -		+			
Wakikuyu - -			+	+	
Wapare - - -					
Bahuana - - -		+			
Wadshagga - -		+			

to	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
g							
				+			
				−			
				+			
				−			
				−			
				+			
					+		
				+			
		+					
				−			
				+			
	Landowner	+		+			
				+			
				−			
				−			
				+			

	No landed property	Land tribal	Land gentile	Land family	
Fanti				Occ.	
Warangi					
(61) Bayaka					
Sese Islanders					
Anyanza		+			
Suaheli					
Wadigo					
Chevas					
Kilwa		+			
(35) Karo Bataks					
Kayans		+		+	
Kayans of Mahakam		+			
Kayams of Mindalam		+			
Singphos		+		+	
Padam Abor					T
Hos					
Dusun				+	
Manguinandaos					
Singkel					
Nias		+			
(56) Passumahians					
Alfures					
Daians			Jt. House		
Javans of Palembang					
Javans of Gorontalo					

to	Land belongs to nobles	Land leased or lent	Bequest	Males only	Goods destroyed at death	Private property regarded	Customary distribution of acquisitions
				−			
				−			
				+			
				+			
				−			
				−			
		Vassal tribe					
		+					
		+					
		+					
				+			
				+			
				−			
	+						
				−			
				−			
				−			
ne				−			
	+	+					

	No landed property	Land tribal	Land gentile	Land family	I indi
Kharrias - - -					
Garos - - -					
Timorese - -					
(43) Igorottes - - -					
(53) Adighe - - -					
Osettes - - -			+	+	
Kenyah - - -		+		+	
Battas - - -					
(19) Araucanians - -			+		
Pima - - -					
Zuni - - -					
Taos - - -		Some			Inali
Apalachites - -		+			So
Guatemala - -			+	+	


Land belongs to nobles
Land leased or lent
Bequest
Males only
Goods destroyed at death
Private property regarded
Customary distribution of acquisitions

APPENDIX II.

NOTES TO TABLES, CHAPTER IV.

1. *Klamaths of S.W. Oregon* :—Took women and children in raids, but largely it would seem to sell (Gatschet, p. 59). Or they might be taken to their homes. But we may take it as probable that there would be a certain number in a servile position. These people include the Modoc of Powers's *Californians*.

2. *Shoshones* :—Prisoners, especially women, are said to be tortured, though distinguished warriors are sometimes let go. Women and children are sometimes carried off from neighbouring tribes, and as they may be sold again or kept, this is entered as a case of the enslavement of women captives, though not as a case of the regular holding of slaves. (Bancroft, pp. 433-6.)

3. *Tolowa* :—These bands are said to raid the Yurok and carry off women and children for ransom.

4. Each chief inherits a portion of the coast on behalf of his band. It is owned in common, and ownership is tabled both under gentile (*i.e.*, band) and chief. (Powers, pp. 65, 66).

5. *Pomo* :—Said to be a powerful people who pay the Tatu to bring them Yuki scalps (Powers, p. 139), but they also kill women in war since one woman equals five men, so apparently they sometimes fight on their own account. (Powers, p. 160.)

6. *Nishinan* :—Male captives were tortured, females sometimes whipped and then married, sometimes slain (Powers, p. 321). The boundaries of tribal land said to be defined, but no statement as to ownership within it. (Powers, p. 320.)

7. *Tsimshian* :—According to Boaz the gentile land was vested in the chief and the clan retained the right to it even if it moved away, though he does not say whether anything of the nature of rent could be obtained for it. He attributes the same system to the Thlinkeet and the Haida. (*B.A.*, 1889, pp. 832-4.)

8. *Aleuts* :—They own very little personal property and think it right to help themselves to what they seriously need. But there is no great theft, so that things are left unprotected. (Weniaminow, *Beiträge zur kenntniss des russischen Reiches*, vol. i, p. 18.)

9. *Hupa* :—The chiefs had certain lands, and fed the people in case of scarcity. It seems implied that the land generally was tribal. (Goddard, Univ. California Publications, i.)

10. *The Pawnees* :—One tribe, the Skide, appear to have kept women captives, as it was a custom to sacrifice one for the benefit of the crops. None of the other tribes did this. (Farrand, *Basis of American History*, p. 143.) (Not entered under Slavery.)

11. *Karayaki and Sambioa* :—We have no clear reference to slavery as such, and probably there were no male slaves, but Papago women and even children were kept in semi-slavery and as prostitutes, at least by the Sambioa. Adopted prisoners are incidentally mentioned and it is said that one might become a chief. (Ehrenreich, pp. 28, 29.)

12. *British Guiana* :—System of cultivation is that a clearing is formed, then a few crops are taken and the field then deserted. In case of failure the family locate themselves in some other settlement, a system of mutual support which implies a village communism. (Im Thurm, pp. 250-4.)

Marriage with women captives seems to have occurred in former times so that in this sense some prisoners may be said to have been adopted. Von Martius states that the Arawaks (p. 186), who are one of the British Guiana tribes, held slaves. (von Martius, p. 693.)

13. *Roucoyennes* :—The man who starts a clearing may have sons-in-law lovers of his wife or others living with him and working for him in a dependent position which does not amount to slavery. (Coudreau, *Chez nos Indiens,* p. 259.)

15. *Guarayos* :—Apparently the land must be in some way common to the kindred as according to D'Orbigny relatives and friends work in common. (D'Orbigny, vol. iii, p. 25.)

16. *Uaupas* :—Von Martius states that only one tribe is now cannibal and they are therefore not entered (p. 600). The house contains numerous inhabitants, sometimes a whole community (p. 597).

17. *Manaos* :—According to von Martius, pp. 577-8, they were formerly warlike and man-hunters so that the Entrodas de resgate (" rescue expedition ") could often take over a hundred prisoners from them. Presumably the object was cannibalism and possibly slavery.

18. *Galibis* :—Lived in joint houses up to 100 members and cultivated land in common. (von Martius, p. 736.)

19. *Araucanians* :—All agriculture and other work was formerly for the benefit of the clan, and property in general seems to have been largely in common. (Latchan, *J.A.I.,* 39, p. 344.)

20. *Tobas* :—Prisoners are made and given to the women. What is finally done with them is not stated, and there is no mention of slaves. (A. Thouar, p. 64.)

21. *Charrua* :—According to Heusser and Claraz (*Z. All. Erdk.,* x.) they generally treated their prisoners humanely, while according to Azara (vol. ii, p. 19) they killed the men and adopted the women and younger children. (See *apud* D'Orbigny, *L'homme Americain,* ii, p. 89.)

22. *Matacos* :—Women captives generally killed as well as men—children adopted (p. 79). The harvest was reaped in common (p. 118). (Pelleschi.)

23. *Chiquitos* :—Made slaves in war but gave them wives, sometimes their own daughters, which may be regarded as a form of adoption. (D'Orbigny, *L'homme Americain,* ii, p. 166.)

25. *Guaycurus* :—The Mbyas, who are sometimes identified with them (perhaps a name for certain tribes), practise infanticide, and Castelnau speaks of infanticide as general. (Castelnau, *Amerique de Sud,* vol. ii, p. 480.)

26. *Bororo* :—According to Fric and Rodin, *J.A.I.,* 36, p. 388, this is a highly centralised tribe. The chief directs every man's work day by day. It may be inferred that landed property is common for the tribe.

27. *Some Chepewayans* :—Ross's account of E. Dene, including the Chepewayans, says they were unwarlike and that he had never seen weapons used. (U.S. Nat. Museum, *Smiths. Rep.*, 1866, p. 308.) Bancroft's account of the N. Indians is that warfare was frequent. It is clear that Bancroft and Ross are partly dealing with the same peoples, but presumably these statements would refer to different tribes, Bancroft's to the more northerly Chepewayans.

28. *Kasias* :—For some offences the criminal and his family might become slaves to the Rajah. (Dalton, p. 57.)

29. *Oraons* :—The Rajah's land is tilled by the Ryots. In some districts there is common ownership of land with a redistribution as between the clans. (*J. Royal Asiatic Society*, 1899, pp. 336-7.) Those who had not land had formerly to do service to the landholders—now commuted for low rents. (Dalton, p. 247.)

30. *Kandhs* :—Women could only share in personal property. (Dalton, p. 294.)

31. *Nagas* :—In feuds between clans women were generally unmounted, but it was otherwise in war. (Dalton, p. 44, and Godden, *J.A.I.*, 27, p. 12.) The Ao Nagas held slaves who might be sacrificed, while the Luhupas and probably other tribes had no slaves. (Godden, *J.A.I.*, 26, p. 184.)

32. *Lhooshai* :—Offenders take sanctuary with the chief and become his slaves. (Lewin, pp. 251—256.) Orphans and destitute people could also join the chief's household and afterwards buy their freedom. (Shakespear, *J.A.I.*, xxxix, p. 374.)

34. *Red Karens* :—Slave-hunters, and also have debt slaves and bought slaves, but they also have free villagers who pay them blackmail. (Colquhoun, *Among the Shans*, p. 65.)

35. *Karo Bataks* :—There were joint houses for 4-12 families generally built at common cost, rarely rented. Builder remains owner while he lives in the village. On leaving he may sell it. (F. W. K. Müller, *Batak Sammlung. Veröff. Mus. für Völk.*, 1893, p. 1.)

36. *Bataks of Palawan* :—Several families live in joint houses (Miller, p. 183). All assist in the harvest, each taking what he reaps to his own house, which seems to imply common ownership of the land by the settlement, or at least by the kindred. (Venturillo, *I.A.E.*, 18, p. 142.)

37. *Samoyedes* :—The father administers all the family property, but even unmarried sons may have their own property (von Stenin, p. 173). The Samoyedes often fell into a kind of serfdom (Leibeigenschaft) to their Russian creditors for their own debts or for those of their kin, but the institution does not appear to be native (p. 187).

38. *Bungians* :—Three classes are said to be especially respected—the rich, the old, and famous head-hunters. They occasionally sold their children to the Christians. P. Malumbres speaks of a 16-year old boy who was sold for eight buffalos. (Blumentritt, *Ausland*, 1893, p. 725.)

39. *Kiangans* :—Nobility not hereditary, but consists of rich people and famous head-hunters. (Blumentritt, *Ausland*, 1891, p. 119.) Orphans of a man who was ill for a long time which involved costly sacrifices were sold as slaves, but it seems that this was the case only when there was no chance of repayment (p. 132).

40. *Maguindanaos* :—At the beginning of the seventeenth century the Maguindanaos had a single Sultan. The system was feudal. There were three classes :—(1) Katschil princes of the Sultan's family; (2) Prankaya, or high nobles; and (3) Tuans or nobles.

Now the regents of the "Lehenstatten" are called Dattos and are partly independent. Some Dattos have more vassals than the Sultans, and some Dattos and Sultans have under them other Dattos who pay them tribute. The Sakopes, or direct subjects, have to pay a tax in natura and also to cut down and fetch wood for the Dattos. (Blumentritt, *Ausland,* 1891, p. 889.) Slavery was the basis of the social order, and slaves consisted of war prisoners, children, criminals and debtors.

41. *Tagals* :—Live in small groups of 100—130 huts under a chief. This was called Barangay, originally probably a family of children, servants and relations. Land was divided among individual members of a Barangay. No man from another Barangay could cultivate unless he bought or inherited land.

In the Tinguas or Mountain settlements the land was divided not among individuals but among the Barangays. In other places a tax of 100 Guntas rice had to be paid to the Dattos. In some places the chiefs had fishing places and markets where no one except a member of the Barangay could fish or trade unless he paid duty. (Blumentritt, *Z.E.*, 25, pp. 10-11.)

42. *Manobos* :—Constant feuds with other tribes and among themselves, Avoid open battles but make sudden raids in order to kill or sell as slaves.

There are three kinds of Baganis, or titled people, who wear special clothes : (1) Persons who killed 7 people; (2) 14 people; (3) 21 people. (Blumentritt, *Z. der Ges. für Erdkunde,* Bd. 19, p. 293.)

43. *Igorots* :—In the small village states there are as a rule 4-6 Magnatic families (Bacuans) to whom belongs all the land. The other inhabitants are really serfs of these nobles whose fields they have to cultivate and whose work they have to do, receiving food as payment. (Blumentritt, *Dr. Pet.*, 1882, p. 31.) At the beginning of the nineteenth century children were sold to the Christians (p. 28).

44. *Negritos of Zambales* :—Slavery is said to exist but this is doubtful and denied by many authors. (Reed, p. 63.)

45. *Kurds of Eriwan* :—All the property of the family belongs to the father except the use of the cattle which the wife brought with her as dowry. The sons have personal property in their horses and weapons. (von Stenin, p. 223.)

46. *Kara Kalpacks* :—Arable land is divided among the clans and the stranger must buy land. Only the homeless (Biwatan) are allowed temporary cultivation. (Vambèry, *Das Türkenvolk,* p. 379.)

47. *Aeneze* :—Property consists almost wholly in horses and cattle. From proceeds wheat and barley are bought. (Burchardt, p. 39.)

Black slaves are common among the Arabs (p. 103).

48. *Larbas* :—" Slaves." It is stated that the name slaves for servants bought by the nomads is inappropriate; they are rather " domestics," and are never sold again. (Geoffroy, *Ouvriers des deux Mondes,* 1887, p. 428.)

49. *Schahsewenzes* :—There are two classes : (1) Bek and their children, who are privileged, do no work, pay no taxes, and are owners of every-

thing; (2) Chunpa—workers—look after the cattle, do all the work and pay taxes. (Radde, p. 425.) They are said to have no real sense of property. Theft is regarded as sign of cleverness, but in this respect there are differences in various tribes (p. 422).

50. *Suanes* :—In cases of dearth boys and girls are sold as slaves for the benefit of the community. It is not stated to whom, and whether they themselves keep slaves. (Bodenstedt, p. 74.)

They live in patriarchal fashion—in large families so close to one another that often several families inhabit one " Court " (Gehöft) for purposes of defence in their constant feuds (p. 72).

51. *Yakuts* :—Right of private property in the house did not exist, and even now dwellings are regarded as common. In former times they were nomadic and had no permanent dwellings. Land belonged to no one. Herds were the property of the nomadic group, nominally that of the head. (Sumner, *J.A.I.*, 31, p. 70.)

Land-system. Re-allotments between the Naslegs within the same Ulu are frequent and between the aga-ussa (= sib) still more frequent, and between the allotments of the same aga-ussa almost every year for the purposes of equalisation. Every aga-ussa has a sworn functionary elected for this purpose. Each Nasleg has an officer who has oversight over the deputies. Allotments within the Ulus are made by an assembly of officers and headman (p. 74).

52. *Kasak Kirghiz* :—Land was divided, and the tribes and divisions of tribes would resent intrusion (Radlov, p. 414). For the winter abodes there would be constant quarrels. Now each family has a certain winter place (Kystau), hereditary or alienable only by sale in the presence of witnesses (p. 415).

53. *Tsherkesses* or *Adighe* :—The land is owned by nobles and vassals, the tillers paying duties in cattle. (Bodenstedt, p. 204.)

54. *Andamans* :—The whole account of property shows that personal property amounts to very little and is regarded as largely at disposal of the relatives. It seems a fair inference that there is at any rate no property in land. (Man, *J.A.I.*, 12, p. 340.)

55. *Engano* :—Individual ownership can be acquired by prolonged occupation. (Rosenberg, p. 215.)

56. *Passumahians* :—The land is said to be owned by the chief, but as the chief's power is merely nominal probably this is merely theoretical. (Junghuhn, vol. 2, p. 307.)

57. *Kirghiz* :—They certainly dealt extensively in slaves and sold their prisoners to other nations. Whether they kept slaves for permanent service is not clear (though Nieboer, comparing the statements of Levschin and Radlov, thinks that they did not), but Hagenmeister states that they have slaves. In our view people who have slaves constantly passing through their hands, even though they are ultimately destined for sale, must be classed as slave-holding people. (Hagenmeister, " Essai sur les resources territoriales, etc., de l'Asie Occidentale." *Beiträge zur Kenntniss des russischen Reiches,* Bd. I, p. 270.)

58. *Flores* :—Land is held by the clan under supervision of the chief owner, but cultivated land passes to the individual. (Riedel, *Rev. Coloniale Internationale,* 1886, p. 69.)

59. *Khonds* :—Land apparently belongs to the tribe, but there is no exclusive right to the waste, and few practical restrictions on occupation by the individual. Ownership depends on occupation. Nevertheless land may be sold though it is not rented. We have described this as tribal ownership with individual occupying ownership. (Macpherson, *Memorials of Service in India,* pp. 62-63.)

60. *Anyanza* :—In case a man has no property to pay " blood-money," he himself, his mother and sisters will go as slaves to the uncle or brother of the victim. (Stannus, *J.A.I.,* 40, p. 290.)

61. *Ba Yaka* :—(Torday and Joyce, *J.A.I.,* 36.) Hunting grounds are private property (p. 42). Only adult males can have property. Joint ownership unknown. Produce belongs to the head of the family (p. 44).

Fifty per cent. of total poulation in slavery—regarded as so many cattle. Sources : born slaves, debtors, prisoners of war (p. 46).

62. *Yoruba* :—Land belongs to the community collectively and is vested in the chief, who distributes it. Usufruct hereditary. Cannot be sold. Private property in land is beginning to appear. The chief can sell or give away land.

Houses are family property, but can only be sold by permission of the king or chief and the whole family. (Ellis, *Yoruba,* pp. 188-9.)

63. *Bambala* :—(Torday and Joyce, *J.A.I.,* 35.) Three-quarters of the population in slavery. Theoretically their owners have power of life and death, but this is said to be merely nominal (p. 411). A case is given, however, of a compact against bloodshed, when a slave is eaten (p. 409).

There are hardly any social distinctions, but there is a class of men called Muri who may not eat human flesh nor fowls, who wear an iron bracelet called Mwana and a head-covering to which great importance is attached (p. 409).

Land belongs to the chiefs, or rather the man who owns land becomes a chief (p. 411)

64. *Ba-Ronga* :—Land belongs in theory to the chief, but every settler owns the land in practice by merely declaring himself a subject of the chief. (Junod, *Les Ba-Ronga,* pp. 187-8.)

65. *Wagogo* :—The chief owns the land but he never interferes. No purchase. Only one who cultivates land can claim it as his own as long as he cultivates it, and when he dies it passes to the nearest relations. (Cole, *J.A.I.,* 32, pp. 314—325.)

66. *Bangala* :—(Overbergh and Jonghe, *Les Bangala.*) There is no property in land. Each, whether as individual, family, village or tribe, takes the land he can get and when he leaves it, it is free.

There are certain customary delimitations about rights to chase, but these give rise to discussions. If any one leaves his place he takes his house with him (p. 347).

At the death of a husband the wife manages affairs until the eldest son is able to do so : if he is indolent this will continue (p. 355).

67. *Mandja* :—No property in soil. No collective property beyond the family. (Gaud, *Les Mandja,* p. 407.)

68. *Baquiri* :—Land belongs to him who makes it arable. Uncultivated land belongs to the community. The individual or family have no private

property in land; they have "possessio" but not dominium. (Leuschner in Steinmetz, pp. 24-5.)

There are no slaves nor classes.

It is stated, however, that at the death of a king a slave is brought from abroad and killed (p. 21).

69. *Bondei*:—(Dale, *J.A.I.*, 25.) Uncultivated land is common. Land belongs to him who cultivates it (p. 230). A "Lord of the Manor" is referred to (p. 231).

70. *Wanyaturu*:—Slavery unknown, but children are occasionally sold through hunger. (Baumann, *Massailand*, p. 191.)

71. *Quissama*:—Among those who are cannibals insolvent debtors or persons accused of crime are at once killed and eaten. Of late the more enlightened consult the criminals as to what punishment they would prefer—whether death or to be sold as slaves to the Portuguese. (Price, *J.A.I.*, 1, p. 187.)

72. *Barea* and *Kunama*:—Land has its owner—may be sold for a time or for always. Land may be cultivated by getting permission from the owner. In the village every one can build where he likes. (Munzinger, pp. 492-3.)

A woman cannot inherit unless she has no brother (p. 490).

73. *Baquerewe*:—Slavery exists at present only in isolated cases, but existed no doubt to a considerable extent in former times (pp. 286-7).

The family-chief is said to administer the common goods (p. 285), but it is not stated what goods are referred to. (Hurel, *Anthropos*, 6.)

74. *Alur*:—The eldest son inherits. He divides the movables among the sons but the immovables are his exclusively. The mother and daughters inherit only in the absence of sons and under the supervision of her brothers. (Stuhlmann, p. 525.)

75. *Waschambala*:—The chief has the right of "Grund und Boden." All uncultivated land is common property. Cultivated land has its possessor. Grass, wood, water, common. Hunting and fishing free. (Steinmetz, p. 262.)

76. *Kuku*:—It is difficult to determine the nature of property in land. It belongs to a single land-proprietor in each clan, but he is bound to keep all the people who are on the land or who are born there. He can claim from these a certain amount in kind and also make them work for him. In practice alienation is almost impossible (p. 333).

Slaves are not of Kuku origin. War prisoners of a strange people are slaves. They are well treated (p. 367). (*Les Kuku*, Vanden Plas.)

77. *Nandi*:—Daughters inherit their mother's animals and household utensils. Sons and daughters inherit her plantation. On a man's death his sons inherit his lands and flocks. It is customary for the Nandi to distribute their stock among their wives during their lifetime. The sons of each wife inherit the property thus placed in their mother's charge. The eldest son of the first wife gets the lion's share. (Hollis, pp. 72, 73.)

BIBLIOGRAPHY.

ABBREVIATIONS.

B.A. British Association Reports.
I.A.E. Internationales Archiv für Ethnographie.
J.A.I. Journal of the Anthropological Institute of Great Britain and Ireland.
M.D.S. Mittheilungen aus den deutschen Schutzgebieten.
Pet., Dr. Dr. Petermann's Mittheilungen aus Justus Perthes' Geographischer Anstalt.
R.E. Revue d'Ethnographie.
SMITHS. REP. Annual Report of the Smithsonian Institution; after 1881, Annual Report of the Bureau of Ethnology.
Z.E. Zeitschrift für Ethnologie.
Z. Erd. Zeitschrift für allgemeine Erdkunde.
Z. Ges. Erd. Zeitschrift der Gesellschaft für Erdkunde.
Z.V.R. Zeitschrift für vergleichende Rechtswissenschaft.

Agostini, J. Revue de traditions populaires, vol. 8.
Albertis, L. M. D'. New Guinea.
Allison, S. S., Mrs. An account of the Similkameen Indians of British Columbia, J.A.I., 21.
Almeida, S. Sobre os Indios Uarcurus e Guanas, etc., Revista Trimensal, vol. 7.
Angus, H. C. A year in Azimba, etc. J.A.I., 27.
Annales du Musée du Congo Belge.
Annales de l'Extrême Orient.
Atkinson, J. J. Natives of New Caledonia, Folklore, vol. 14.
Azara, F. D. Voyage dans l'Amérique Meridionale.
Bancroft, H. H. Native races of the Pacific States.
Bartram, W. Observations on the Creek and Cherokee Indians. Transactions of American Ethnological Society, 1853.
Bates, D. M., Mrs. The West Australian Aborigines. (The West Australian, April, 1906.)
Basset Smith, P. W. J.A.I., 33.
Batchelor, J. The Ainu of Japan.
Baumann, O. Durch Massailand zur Nilquelle.
Baumann, O. Usambara.
Baumstarck. Die Warangi. M.D.S., 13.
Beardmore, G. The Natives of Mowat. J.A.I., 19.
Bennett, A. L. Ethnographical Notes on the Fang. J.A.I., 29.
Bent, R. The Yourouks of Asia Minor. J.A.I., 20.
Beveridge, P. The Aborigines of Victoria and Riverina.
Beverley. Die Wagogo (in Steinmetz' " Rechtsverhältnisse ").
Bibra, E. von. Reise in Südamerika.

Blumentritt, F. Versuch einer Ethnographie der Philippinen. Dr. Pet Ergbd., 67
Die Bungianen. Ausland, 1893.
Die Kianganen. Ausland, 1891.
Die Maguindanaos. Ausland, 1891.
Sitten der Alten Tagalen. Z.E., 25.
Beiträge zur Kenntniss der Negritos. Z.G. Erd., 27.
Begleitworte zu meiner Karte der Insel Mindanao. Z.G. Erd., 19.
Die Calingas. Ausland, 1891.
Die Tinguianes. Translation of D. J. de los Reyes. K. K. Geog. Ges. Wien, 1887.
Boaz, F. The Tsitsaut. On the Indians of British Columbia. B.A., 1895.
Central Eskimo. Smiths. Rep., 6.
The Chilcotin. B.A., 1898.
Second general report on the Indians of British Columbia :—i, The Lkungen. ii, The Nootka. iii, The Kwakiutl. iv, The Shushwap. B.A., 1890.
The Bilquula. B.A., 1891.
The Niska. Fifth report of the Indians of British Columbia. B.A., 1895.
The Kowitchen. The Indian Tribes of the Lower Frazer River. B.A., 1894.
Die Tsimschian. Z.E., 20.
The Kwakiutl. Smiths. Rep., 1895.
Bodenstedt, F. M. Die Völker der Kaukasus.
Bonney, F. On some customs of the Aborigines of the River Darling, N.S. Wales. J.A.I., 13.
Borie. Notice sur les Mantras, Tribu sauvage de la Peninsule Malaise. Tijdschrift voor Indische Taal Land en Völkerkunde, x.
Brandt, Von. The Aino and Japanese. J.A.I., 3.
Brettes, de. L'Amérique inconnue.
Brinton, D. G. The Lenape and their legends.
Brough Smyth. The Aborigines of Victoria.
Brown, J. Die Eingeborenen Australiens. Dr. Pet., 1856.
Brown, W. New Zealand and its Aborigines.
Buchholz, R. Reisen in Westafrika.
Bülow, W. Von. Das ungeschriebene Gesetz der Samoaner, Globus, 1896.
Burchell. Travels in South Africa.
Burckhardt, J. L. Notes on the Bedouins.
Burgdt, J. R. M. van der. Dictionaire-française-Kirundi.
Capello, H., and Ivens, R. From Benguella to the Territory of Yacca.
Cassac, de. Renseignements ethnographiques sur les Comanches. R.E., i.
Casalis, E. The Basutos.
Castelnau. Amerique de Sud.
Chamberlain, A. E. Report on the Kootanay Indians of S.E. British Columbia, B.A. 1892.
Chantre, E. Recherches anthropologiques dans le Caucase.
Charlevoix, de. Histoire de la Nouvelle France, 1744.
Christian, F. W. Explorations in the Caroline Islands. Geog. Journ., 13
Church, G. E. Aborigines of South America.
Codrington, R. H. The Melanesians.
Cole, Rev. The Wagogo. J.A.I., 32.
Collins, D. An account of the English Colony in New South Wales

Colquhoun, A. R. Among the Shans.
Conrau, G. Uber das Gebiet zwischen Mundame und Baliburg.
Coquilhat, C. Sur le haut Congo.
Corre, A. Les Sereres de Joal et de Portadal. R.E., 2.
Condon, M. H. Basoga-Batamba, Anthropos, 5, 1910.
Coudrean, H. La haute Guiane. R.E., 7.
„ Chez nos Indiens.
Cranford, L. Victoria River Downs Station. Northern Territory, S. Australia. J.A.I., 24.
Crooke, W. The North Western Provinces.
Cunningham, J. F. Uganda and its people.
Dale, G. An account of the principal customs, etc,. of the natives inhabiting the Bondei Country. J.A.I., 25.
Dall. Contributions to Ethnology.
Dalton, E. T. Descriptive Ethnology of Bengal.
Dannert, E. Zum Rechte der Herero.
David, J., Dr. Notizen uber die Pygmaen des Ituri Waldes. Globus, 1904.
Dawson, J. Australian Aborigines.
Delhaise. Les Warega. (In Overbergh Monographies.)
Denian, A. Croyances, etc., de l'île Malo. (In Les Missions catholiques, 33.)
Deniker, J. Les Ghiliaks. R.E., 2.
Desognies. Die Bamsalala. In Steinmetz.
Dobrizhofer, M. Historia de Abiponibus.
Dorsey, J. A. Omaha Sociology. Smiths. Rep. 3.
„ Siouan Sociology. Smiths. Rep., 15.
Duloup, G. Huit Jours chez les Mbengas. R.E., 2.
Eberstein. Uber die Rechtsanschauungen der Küstebewohner des Bezirkes Kilwa. M.D.S., 9.
Ehrenreich, P. Beiträge zur Völkerkunde.
„ Brasilien, König. Mus. Völkerkunde ii.
„ über die Botocudos. Z.E., 19.
Ellis, A. Ewe-speaking peoples.
„ Tshi-speaking peoples.
„ Yoruba-speaking peoples.
Ellis, W. Polynesian Researches.
Erckert. Die Chewssuren. Ausland, 1891.
Eschwege, C. W. Van. Brasilien.
Eyre, E. J. Journals of Expeditions.
Farrand, L. Basis of American History.
Favre, P. An account of the Wild Tribes inhabiting the Malayan Peninsula. J. Ind. Archip., 2.
Featherman, A. Social history of the races of Mankind.
Fewkes. Porto Rio Indians. Smiths. Rep., 25.
Field, Barron. Geographical Memoirs in New South Wales.
Finsch, O. Die Goldküste und ihre Bewohner. Z.Erd., 1864.
Fison, L. Land tenure in Fiji. J.A.I., 10.
Fison and Howitt, A. W. Kamilaroi and Kurnai.
Fletcher, Miss, and La Flêche. The Omaha. Smiths. Rep., 27.
Foelsche, P. Manners, etc., of some tribes in the neighbourhood of Port Darwin. J.A.I., 24.
Forbes, H. D. On the Ethnology of Timor Laut. J.A.I., 13.
„ On the Kubus of Sumatra. J.A.I., 13.
Forrest, John. On the natives of Central and Western Australia. J.A.I., 5.

Forsyth. Highlands of Central India.
Fraser, J. The Aborigines of New South Wales.
Frazer, J. G. Notes on the Aborigines of Australia. J.A.I., 24.
Fric and Rodin. J.A.I., 36.
Fritsch, G. Die Eingeborenen Südafrikas.
Fryer, G. E. A few words concerning the Hill-people inhabiting the forests of the Cochin State. J.R.As.S., 1868.
Fülleborn, F. Uber seine Reisen im Nyassa-Gebiet. Verh. Ges. Erdkunde, 1900.
Gardiner, J. S. Natives of Rotuma. J.A.I., 27.
Garson, J. G. On the Inhabitants of Tierra del Fuego. J.A.I., 15.
Gand, F. Les Mandja (in Overbergh).
Gatschet, A. S. The Klamaths—Contributions to N. American Ethnology, vol. ii, pt. i.
Geoffroy, A. Arabes pastéurs nomades de la Tribu des Larbas. In Ouvriers des deux Mondes, 1887. (Société d'Economie Sociale.)
Gibbs, G. Tribes of W. Washington, etc. Contr. N. American Ethn., i.
Goddard. Life and culture of Hupa. Pub. University of California, i.
Godden, G. M., Miss. Naga and other Frontier Tribes of N.E. India. J.A.I., 26 and 27.
Godwin-Austin, H. H. On Garo Hill Tribes. J.A.I., 2.
Gonzalez. El gran Chaco Argentino.
Gottschling, Rev. The Bawendas. J.A.I., 35.
Grabowsky, F. Die Orang Bukit. Ausland, 1885.
Gräfe, E. Die Carolineninsel Yap.
Granville, U., and Roth, F. N. Notes on the Jekris, etc. J.A.I., 28.
Grey, Sir G. Journals of two expeditions.
Grinnell, G. B. Blackfoot Lodge Tales.
,, Pawnee Lodge Tales.
Grubb, W. B. An unknown People.
Guival, L. Les Batèkes. R.E., 5.
Guppy, H. B. The Solomon Islands.
Haddon, A. C. Cambridge Expedition to Torres Straits.
Hagen, B. Unter den Papuas.
,, Die Orang Kubu auf Sumatra.
Hagen. La colonie de Porto Novo. R.E., 6.
Hagenmeister, Jules de. Essay on Central Asia (in Beiträge zur Kenntniss des russischen Reiches. Bd. i).
Hahl, A. Rechtsanschauungen der Eingeborenen der Blanchebucht. Nachrichten über K. Wilhelms Land, 1897.
Hale, H. British Columbia Peoples. B.A., 1890.
Halkin, J. Les Ababua (in Overbergh).
Hamilton. South Australian Aborigines. J.A.I., 24.
Hardisty, W. L. The Loucheux. Smiths. Rep., 1866.
Harris, J. M. Some remarks on the origin, etc., of the Gallinas. Memoirs Anthrop. Society of London, ii.
Harrison, Rev. Ch. Religion and family among the Haidas. J.A.I., 21.
Hartland. Article on the Bantus in Encyclopedia for Religion and Ethics.
Hartt. Geology and Physical Geography of Brazil (Appendix).
Hasselt, von. Die Noeforezen. Z.E., 8.
Hawkins. Tr. Am. Eth. Soc., 1853.
Hawtrey, S. H. C. The Lengua Indians of the Paraguayan Chaco. J.A.I., 51.

Heckewälder. History, Manners and Customs of the Indian Nations.
Hensel, R. Die Coroados. Z.E., i.
Herrmann. Die Wasiba und ihr Land. M.D.S., 7.
Herold. Bericht betreffend Rechtsgewohnheiten der deutschen Eweneger. M.D.S., 5.
Heusser and Claraz. Auszug aug der Geschichte des Uruguay. Z. Erd., 10, 1861.
Hewitt, J. F. The Pre-Aryan Communal Village in India and Europe. J.R.As.S., 1899.
Hill-Tout, Ch. Report on the Ethnology of the Slatluhb of British Columbia. J.A.I., 1905.
,, Report on the Ethnology of the S.E. Tribes of Vancouver Island. J.A.I., 1907.
,, British North America.
Hodge. Handbook of North American Indians.
Hobley, Ch. Ethnology of the Akamba and other East African Tribes.
Hodgson, B. H. J.R.As.S., 1839.
Hoesmann. Ethnologisches aüs Kamerun. M.D.S., 16.
Hoffmann, A. Mittheilungen über die Bogadjim, Nachrichten über K. Wilhelms Land.
Höhnel, L. Von. Zum Rudolph See und Stephanie See.
Holland, Lieut. S. C. The Ainos. J.A.I., 3.
Hollis, A. The Masai.
,, The Nandi.
Halten, Von. Das Land der Yurakaren und dessen Bewohner. Z.E., 9.
Holub, E. Sieben Jahre in Südafrika.
Hore, E. C. On the twelve Tribes of Tanganyika. J.A.I., 12.
Hose, C. On the Natives of Borneo. J.A.I., 23.
Hose and McDougall. Pagan Tribes of Borneo.
Howitt, A. W. Native Tribes of S.E. Australia.
Hunter, W .W. The Indian Empire.
,, The Annals of Rural Bengal.
Hunter, W. Report on some of the rights, etc., of the Hill population in Meywar. J.R.As.S., 8.
Hutchinson, T. J. Tribes of the Chaco. J. Ethn. Society, 1865.
Hutchinson, Th. J. Impressions of Western Africa.
Hutereau, A. Notes sur la vie familiale et juridique de quelques populations du Congo Belge. Annales du Musée du Congo Belge.
Hutter, F. Wanderungen im Nordhinterland von Kamerun.
Hurel, R. P. E. Die Bakerewe, Anthropos, 6.
Hyades, P., and Deniker, J. Mission Scientifique du Cap Horn.
im Thurm, E. F. Among the Indians of Guiana.
Irias, J. F. Rio Wanks and Mosco Indians. Tr. American Ethn. Soc., iii.
Jenks, A. E. The Bontoc Igorot. Dept. of the Interior Ethn. Pub., vol. i.
Jesuit Relations.
Jones, P. History of the Ojibway Indians.
Johnston, Sir H. H. George Grenfel and the Congo.
,, Uganda Protectorate.
Junghuhn, F. D. Die Battaländer auf Sumatra.
Junod, H. H. Les Baronga.
Kannenberg. Reise durch die hamitischen Sprachgebiete um Kondoa. M.D.S., 13
Keane, A. H. On the Botocudos. J.A.I., 13.

Kingsley, M. West African Studies.
Klaproth, J. Von. Reise in den Kaukasus und nach Georgien.
Köhne, C. Das Recht der Kalmucken. Z.V.R., 9.
Knocker, F. W. The Aborigines of Sunjei hjong. J.A.I., 37.
,, Notes on the wild Tribes of the Ulu Perak. J.A.I., 39.
Kohler, J. Recht der Marshall Insulaner. Z.V.R., 12.
,, Uber das Negerrecht. Z.V.R., 1895.
,, Das Recht der Hottentotten. Z.V.R., 15.
,, Das Banturecht in Ostafrika. Z.V.R., 15.
Kräber. Types of Indian Culture.
Krämer, A. Die Samoa Inseln.
Kraft. Die Wapokomo (in Steinmitz).
Kroeber. Am. Anthr., 4.
,, The Californians. University of California Pub., vol. ii, pt. iii.
Kubary, J. Bericht über meinen Aufenthalt in Palau. J. Mus. Godeffroy i.
Lang, G. S. Aborigines of Australia.
Lang, H. Die Washambala (in Steinmetz).
Lang, J. D., Dr. Queensland.
Latchan, R. E. Ethnology of the Araucanians. J.A.I., 39.
Laufer, B. Preliminary notes on exploration among the Amoor Tribes. American Anthr., 2
Lenz, O. Skizzen aus West Afrika.
Leuschner. Die Baquiri (in Steinmetz).
Levschin, A. J. Descriptions des hordes et des Steppes des Kirghiz Kazaks.
Lewin. Wild Tribes of S.E. India.
Lewis and Clark. Expedition up the Missouri.
Liadov, B. On the Kalmacks. J.A.I., i.
Lichtenstein. Travels in South Africa.
Ling, Roth. H. Natives of Sarawak.
,, Natives of Borneo. J.A.I., 21 and 22.
,, Aborigines of Tasmania.
Livingstone, D. Narrative of an Expedition to the Zambesi.
,, Missionary Travels.
Loen. Die Apaches. Z.E., 1877.
Loskiel, G. H. Geschichte der Mission unter den Indianern, 1789.
Lumholz, C. New Trails in Mexico.
,, Unknown Mexico.
Lumholz, Among Cannibals.
Macauley, Clay. The Seminoli Indians of Florida. Smiths. Rep. 5.
Macdonald, Duff. Africana.
Macklain, J. Canadian Savage Folk.
Maclean, J. Compendium of Kaffir laws.
Macpherson. Memorials of Service in India.
Magyar, L. Reisen in Südafrika.
Man, E. G. Sonthalia.
Man, E. H. The Nicobar Islanders. J.A.I., 18.
,, The Aboriginal Inhabitants of the Andaman Islands. J.A.I., 12.
Marcuse, A. Die Hawaiischen Inseln.
Markham, C. R. A list of the Tribes of the Valley of the Amazon. J.A.I., 24.
Martin, R. Die Inlandstämme der Malayischen Halbinsel.
Martius, Von. Zur Ethnographie Amerikas.

Marx. Die Amahlubi (in Steinmitz).
Mathews, J. Two representative Tribes of Queensland.
„ Eagle-Hawk and Crow.
Mathews, R. H. Aboriginal Tribes of New South Wales and Victoria.
Maurault, J. A. Histoire des Abénakis.
McGee. The Seri Indians. Smiths. Rep., 17.
„ The Sioux. Smiths. Rep., 1893.
Meinicke, C. E. Die Inseln des stillen Oceans.
Melnikow, N. Die Burjaten des Irkutskischen Gouvernments. I.A.E., 12.
Metz, J. The Tribes inhabiting the Nilgherry Hills. J.A.I., 12.
Meyer, A. B. Die Philippinen.
Miklucho-Maclay, N. Von. Ethnologische Bemerkungen über die Papuas.
Miller, E. Y. Bataks of Palawan. Dept. Inter. Eth. Pub., vol. ii, pt. iii.
Mindeleff. The Navahos. Smiths. Rep. 17.
Moffat. Labours and Scenes in South Africa.
Moncelon. Reponse . . . . . pour les Néo-Calédoniens Bulletins de l'Assoc. d'Anthrop., 9.
Mooney, J. Siouan Tribe of Virginia and South Carolina. Smiths. Rep., 1894.
„ The Kiowa. Smiths. Rep., 17.
Morgan, L. H. Houses and Home-life of the American Indians.
Morgan, D. The Customs of the Ossetes. J.R.As.S., 1888.
Morice, Father. Western Dene. Trans. Canadian Institute, 1893.
„ Proceedings Can. Inst., vol. 7.
„ Canadian Journal of Science.
Moser, H. A Travers L'Asie Centrale.
Murdoch, J. Point Barrow Expd. Smiths. Rep., 1887.
Moura. Les Candios. R.E., ii.
Müller, F. W. K. Batak-Sammlung. Veröf. aus dem K. Mus. für Völkerkunde, iii.
Munzinger, W. Uber die Sitten der Bogos.
„ Ostafrikanischen Studien.
Musters. At home with the Patagonians.
Nansen, F. Eskimo Life.
Nelson. Behring Straits. Smiths. Rep., 18.
Newbold, Captain. The Chenchwars: a wild Tribe inhabiting the forests of the E. Ghauts. J.R.A.S., 8.
Niblack, A. P. The Coast Indians of S. Alaska.
Nieuwenhuis, A. W. Quer durch Borneo.
Niese, Richard. Das Personen—und Familienrecht der Suaheli. Z.V.R., 16.
Nikole. Diakite Sarakolays (in Steinmetz).
Nordenskiöld, A. E. Von. Un chapitre d'Ethnographie des Tschuchtschi. R.E., iii.
„ Die Umsegelung Asiens.
Ochsenius, C. Chili, Land und Leute.
Oertzen. Banaka und Bapuku (in Steinmitz).
Oldfield, A. The Aborigines of Australia. Tr. Ethn. Society, 1865.
Orbigny, Dessaline, A. D'. L'homme Americain.
„ Voyage dans l'Amérique Meridionale.
Ordinaire, O. Les Sauvages de Peru. R.E., 6.
Overbergh, Cyr Van. Collection de Monographies.
Overbergh and Jonghe. Les Mangbetu.
„ Les Mayombe.
„ Les Bangala.

Fallas, P. S. Reisen durch verschiedenen Provinzen des russischen Reiches, 1776.
,, Travels through the Southern Provinces of the Russian Empire, 1793-4.
Palmer, E. Notes on some Australian Tribes. J.A.I., 13.
Parker, G. H. The Burmo-Chinese Frontier and the Kakyen Indians. Fortnightly Review, 1897.
Parker, K. L., Mrs. The Euahlayi Tribe.
Parkinson, R. Dreissig Jahre in der Südsee.
,, Beiträge zur Ethnologie der Gilbert-Insulaner. I.A.E., 2.
Passarge, S. Das Okwangosumpfland. Z.E., 37.
,, Die Buschmänner der Kalahari. M.D.S., 18.
Paulitschke, Ph. Ethnographie Nord-Ost-Afrikas.
Pelleschi. Eight years in the Grand Chaco.
Peters, W. Der Muata Cazembe, etc. Z. Erd., 6 and 7.
Petroff, L. Population, Industries and Resources of Alaska. U.S. Census, 8, pt. 2.
Pickler, Dr. Die Aetas der Philippinen. Globus, xcvi.
Pinart, A. Les Indiens de l'état de Panama. R.E., 6.
Plas Varden. Les Kuku (in Overbergh).
Pogge, P. Beiträge zur Endeckungsgeschichte Afrikas: Im. Reiche des Muato Jamwo.
Posewitz. Die Badjus, eine Volksreliquie in Java. Ausland, 1891.
Powell, J. W. Wyandot Government. Smiths. Rep., i.
Powers, S. Tribes of California. Contrib. N. American Ethn., iii.
Price, F. G. H. The Quissama Tribe. J.A.I., i.
Radde, G. Reisen an der persisch-russischen Grenze.
Radlov, O. V. Aus Sibirien.
,, Beobachtungen über die Kirgisen. Dr. Fet., 1864.
Rannie, D. The Torres Group. Proceedings, Queensland Branch of R.G.S. Australasia, vol. 5.
Rautanen. Die Ondonga (in Steinmetz).
Reed, W. A. Negritos of Zambales. Dept. Interior Ethn. Pub., vol. ii, pt.i.
Remy and Blenchley. Journey to the Great Salt Lake City.
Richter. Der Bezirk Bukoba. M.D.S., 12.
,, Einige weitere ethnographische Notizen über den Bezirk Bukoba. M.D.S., 13.
Ridley, W,. Rev. Report on Australian languages and traditions. J.A.I. 2.
Riedel, G. F. The island of Flores. Rev. Colon. internat., 1886.
Riggs. The Dakota. Contributions to Ethnology, 1893.
Risley. Tribes of Bengal.
Rivers, W. H. The Todas.
Robertson, G. S. Kafiristan and its people. J.A.I., 27.
Rocheforte, de. History of the Antilles, 1665.
Roscoe, John. The Baganda.
,, The Bahima. J.A.I., 37.
,, The Bageshu. J.A.I., 39.
Rosenberg, C. B. H. von. Der malayische Archipel.
Ross, B. R. Notes on the Tinnehs and Chepewayans. Smiths. Rep., 1866.
Roth, W. E. North Queensland Ethnology. Bull., 1-8.
,, Ethnological Studies among the N.W.C. Queensland Aborigines.
Rowney, H. B. Wild Tribes of India.

Salvado, Don Bishop : Carmichael, C. H. E. On a Benedictine Missionary's account of the Natives of Australia and Oceania. J.A.I., 7.
Sampaio, F. X. R. de. Rio Branco Revista Trimensal, 1850.
Schadenberg, A. Die Bewohner von Süd-Mindanao. Z.E., 17.
,, Beiträge zur Kenntniss der im Innern Nordluzons lebenden Stämme, (Verh. Ges. für Anth, 1888).
,, über die Negritos der Philippinen. Z.E., 12.
Schoolcraft, H. H. History, etc., of the Indian Tribes.
Schale, Von. Uhehe. M.D.S., 9.
Schintz. Deutsch Sud-west Afrika.
Schütt, O. H. Reisen in sudwestlichen Becken des Congo.
Schweinfurth, G. The heart of Africa.
Seidlitz. Gemeinde und Familienleben der Chewssuren. Ausland, 1891.
Seligmann, C. G. The Melanesians of British New Guinea.
,, The Veddahs.
,, Article on the Dinkas in Encyclip. for Religion and Ethics.
Selinghaus, T. H. Munda Kols. Z.E., 3.
Serpa Pinto. How I crossed Africa.
Shakespear, Col. J. The Kuki-Lushai Tribes.
Short, J. Some rude tribes, etc. J. Ethn. Society, 1865.
Simson, A. Notes on the Zaparos. J.A.I., 7.
,, Notes on the Jivaros and Canelos Indians. J.A.I., 9.
Skeat, W. W. Wild Tribes of Malay Peninsula. J.A.I., 32.
Skeat and Blagden. Pagan Races of Malay Peninsula.
Smyth and Lowe. Journey from Lima to Para.
Salomon, V. Extracts from diaries kept in Car Nicobar.
Spencer, B., and Gillen, F. J. Native Tribes of Central Australia.
,, The Northern Tribes of Central Australia.
Stanaus, H. S. Notes on some Tribes of British Central Africa. J.A.I., 40.
St. John, H. C. The Ainos, Aborigines of Jeso. J.A.I., ii.
,, Hill Tribes of N. Aracan. J.A.I., ii.
Stein. Die Turkmenen.
Steinen, H. Von der. Unter der Naturvölkern Central Brasiliens
Steinmetz, S. R. Rechtsverhältnisse von eingeborenen Völkern in Afrika and Ozeanien.
Steller, G. W. Beschreibung vom Lande Kamtschatka.
Stenin, P. Von. Das Gewohnheitsrecht der Samojeden. Globus, lx, 1891.
,, Die Kurden des Gouvernments Eriwan. Globus, lxx, 1896.
Stewart. The Boksas of the Bijnour district. J.As. Society, Bengal, 1865.
Stevenson, Miss. The Zuni Indians. Smiths. Rep., 23.
Stoll, O. Guatemala. J.A.E., 2.
Stow, G. W. Native races of South Africa.
Storch. Sitten und Gebraüche, etc., bei den Bewohnern Usambaras. M.D.S., 8.
Strachan, Jones. The Kowitchen. Smiths. Rep., 1866.
Stuhlmann, F. Mit Enim Pascha ins Herz von Afrika.
Sullivan, Cap. H. Dinka Laws and Customs. J.A.I., 40.
Summer, W. G. The Yakuts. Abridged from the Russian of Sieroshevsky. J.A.I., 31.
Svoboda, W. Die Bewohner des Nikobaren Archipels. I.A.E., 5.
Swan, Caleb. The Creeks. Schoolcraft, 5.
Swanton, J. R. The Thlinkeet. Smiths. Rep., 26.
Taplin, G. The Folklore, etc., of S. Australian Aborigines.

Tautain, L. Etudes des peuples du Bassin du Senegal. R.E., iv.
Taylor, R. Te Ika a Maui.
Teit and Boaz. Jesup Expedition, 1900.
Teit. Memoirs of Amer. Museum of Natural History.
Ten Kate H. Notes ethnographiques sur les Comanches. R.E., iv.
Thomson, B. Natives of the Savage Islands. J.A.I., 31.
Thomson, J. To the Central African Lakes and back.
Thouar, A. Exploration dans l'Amérique du Sud.
Thurston, E. Castes and Tribes of Southern India.
,, Anthropology.
Torday, E., and Joyce, T. H. Notes on the Ethnography of the Bayaka. J.A.I., 36.
,, Notes on the Ethnography of the Bambala. J.A.I., 35.
,, Notes on the Ethnography of the Bahuana. J.A.I., 36.
,, On the Ethnology of S.W. Congo. J.A.I,. 57.
Torday. Quelques peuplades appelés Bushongo (in Musée du Congo).
Tregear, E. The Maoris of New Zealand. J.A.I., 19.
Tschudi, J. J. Von. Reisen durch Südamerika.
Turner, G. Samoa.
Turner, L. M. Ethnology of the Ungava District. Smiths. Rep., 11.
Turner, W. Y. Ethnology of the Mutu. J.A.I., 7.
Urquahrt. Among the Kaupui Indians. Scot. Geo. Mag., 1893.
Vambèry, H. Das Türkenvolk.
Vaux, de L. Les Canaques de la Nouvelle Calédonie. R.E., ii.
Venturillo, M. H. The Batacs of the Island of Palawan. I.A.E., 18.
Verguet, L. Arossi on San Christoval et ses habitants. R.E., iv.
Vetter, K. Jabim. Nachrichten über Kaiser-Wilhelms-land, 1897.
Walker, J. B. Notes on the Politics, etc., of Old Calabar. J.A.I., 6.
Wallace, A. R. Travels on the Amazon.
Walter. Nossi bé and Mayotte (in Steinmetz).
Wanderer. Khoi-Khoin (in Steinmitz).
Ward, H. Five years with the Congo Cannibals.
Warren. History of the Ojibways. (Collection of Minnesota Hist. Soc.)
Waterhouse, J. King and people of Fiji.
Watt, G., Dr. The Aboriginal Tribes of Manipur. J.A.I., 16.
Wehrli, H. J. Beiträge zur Ethnologie der Chingpaw. I.A.E., 16.
Werniaminow. Characterzüge der Aleuten, etc., in Von Baer und Von Helmersen. Beiträge zur Kenntniss des russischen Reiches, 1834.
Werner, A. Natives of British Central Africa.
West, Th. Ten years of S.C. Polynesia.
White, R. B. Notes on the Aboriginal races of the N.W. Provinces of South America. J.A.I., 13.
Wickham, A. H. Notes on the Soumoo and Woolwa Indians. J.A.I., 24.
Wied, Prinz M. zu. Reise in Brasilien.
Wiese, C. Beiträge zur Geschichte der Zulu namentlich der Angoni, Z.E., 32.
Williams, J. Some remarks on the island of Espirito Santo, New Hebrides. Proc. R.G.S. Australasia. Queensl. travel, 6.
Williams, T. Fiji and the Fijians.
Williamson, R. W. The Mafulu.
Wilkinson, J. Papers on Malay subjects. The Aboriginal Tribes.
Wilson, J. An account of the Waralis and Katodis. J.R.A.S., 1843.

Wilson, E. F., Rev. On the N.W. Tribes of Canada. : Report on the Blackfeet Tribe. B.A., 1887. Report on the Sarcee Tribes. B.A., 1888.
Wissmann, H. Unter deutscher Flagge quer durch Afrika.
,, Im Innern Afrikas.
Woodthorpe, R. G. Notes on the wild Tribes inhabiting the so-called Naga Hills. J.A.I., 11.
Woods, J. B. Native Tribes of S. Australia.
Wrangel, de. Ethnographische Nachrichten, etc., in Von Baer und Von Helmersens, Beiträge zur Kenntniss des russischen Reiches, Bd. ii.
Zenker, G. Yaunde. M.D.S., 8.
Zundel, G. Land und Volk der Eweer. Z.G. Erd., 12.
Zollinger, M. H. J. Indian Archipelago.

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